

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.
2. GARBAGE SERVICE FEE REGULATIONS.
3. OPEN BURNING.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse collection service fee.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, ashes, rocks, concrete, bricks, medical waste, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Ord. # 93-752, Nov. 1993)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1984 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this

¹Municipal code reference

Property maintenance regulations: title 13.

maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree limbs, brush, etc., shall be prepared by the owner or producer and deposited for collection by the city in accordance with such regulations as the city manager shall prescribe.

Such refuse as cardboard boxes and cartons may also be collected by the city although not stored in refuse containers if they are securely bundled together and otherwise prepared and deposited in accordance with regulations prescribed by the city manager. (1984 Code, § 8-203)

17-104. Location of containers. (1) Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection.

(2) Provided further, in the event that any owner, occupant or other responsible person whose residence is more than five hundred feet (500') from the nearest public street or roadway may request that their container be picked up at their residence, in which case an additional refuse collection service fee of seven dollars and fifty cents (\$7.50) per month will apply. The residential pickup fee shall be added to the refuse collection service fee described in § 17-109 of the Mount Pleasant Municipal Code, and shall be billed and collected in the same manner thereof. In addition, any owner, occupant or responsible person utilizing this service shall be required to sign and deliver to the City of Mount Pleasant a release and indemnification in the form attached hereto as Exhibit "A"¹ and made a part hereof as if written herein. (1984 Code, § 8-204, as amended by Ord. #2011-925, May 2011)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit

¹Exhibit A "Release and Indemnification" is available in the office of the city recorder.

the use of public refuse containers for their intended purpose. (1984 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Collections shall be made regularly in accordance with an announced schedule.

The city will not collect refuse unless it is properly stored in accordance with the provisions of this chapter and such regulations as the city manager shall prescribe. (1984 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1984 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1984 Code, § 8-208)

17-109. Refuse collection service fee. The following monthly fee schedule for refuse collection services within the city is hereby established:

RESIDENTIAL	One pick-up per week.	
	Regular customers:	\$ 16.00 monthly
	Senior Citizens:	\$ 14.50 monthly
COMMERCIAL	One pick-up per week	\$ 40.00 monthly
	Three pick-ups per week	\$110.00 monthly
	Five pick-ups per week	\$150.00 monthly
INDUSTRIAL	One pick-up per week	\$ 75.00 monthly
	Three pick-ups per week	\$200.00 monthly
	Five pick-ups per week	\$350.00 monthly

Commercial and industrial rates do not include the rental fee for the metal dumpster. This rental fee will be added to the collection fees shown above based on dumpster size.

The monthly fee shall be collected as a separate and distinct line item set forth in the monthly water and sewer bills mailed to the city water customers and is levied against all water accounts within the city. Billing and payment

terms as well as termination or discontinuance of service relative to nonpayment shall be in accordance with §§ 18-111 and 18-112 of the Mount Pleasant Municipal Code as detailed with respect to water and sewer bills. (1984 Code, § 8-209, modified, as amended by Ord. #2011-932, June 2011)

CHAPTER 2

GARBAGE SERVICE FEE REGULATIONS

SECTION

- 17-201. Definitions.
- 17-202. Applicability.
- 17-203. Billing.
- 17-204. Permit required.
- 17-205. Penalties.

17-201. Definitions. (1) "Apartment complexes." All apartment complexes or multifamily housing developments, (exclusive of condominium developments where the separate housing units are individually owned), which have or consist of multiple dwelling units, whether contiguous or not. Each sub-unit of an apartment complex or multifamily housing developments shall be considered to be a separate "residential unit."

(2) "Commercial unit." All premises, locations or entities, public or private, requiring garbage or refuse collection which are not within the definition of a residential unit or a small commercial unit.

(3) "Residential unit." A dwelling, including individually owned condominium units, within the corporate limits of the city occupied by a person or a group of persons comprising not more than one (1) family. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. Apartment dwelling(s) and multifamily housing developments, whether single or multi-level construction, of contiguous or separate single family dwelling units shall be treated as several and separate residential units, each apartment being a separate sub-unit, for the purposes of this chapter.

A "small commercial unit" shall consist of a premises, location or entity, public or private, requiring refuse collection within the corporate limits of the city which does not generate, on a sub-unit basis in the case of multi-unit small commercial units, more than one hundred ninety-two (192) gallons of waste or garbage for any sub-unit located therein within any seven day period and as to which all of the refuse, garbage, etc., generated. thereby on a weekly basis will fit into no more than two (2) ninety-six (96) gallon containers. For the purposes of this chapter a small commercial unit shall be defined to be and treated as a "residential unit." (Ord. #2009-905, Dec. 2009)

17-202. Applicability. Solid waste fees as outlined in this title shall be assessed all users, including commercial, industrial, residential and civic clubs, schools, churches or other church-owned properties or other properties where the solid waste service is available. No properties, residents, businesses, or organizations shall be exempt from the fees unless the unit is not connected to

either a public water service, natural gas service, or electricity service. No properties shall have the option of refusing the service or refusing to pay the basic solid waste fees assessed by the city unless service is provided by a permitted solid waste hauler as provided herein. Such fees may be altered, amended or changed by resolution or ordinance. Failure to pay solid waste fees assessed by the city shall further be grounds for termination of utility service. (Ord. #2009-905, Dec. 2009)

17-203. Billing. It shall be the responsibility of the director of public works to maintain a master billing register outlining the charges to residents, businesses and schools, churches or other church-owned properties. The city manager shall reconcile, or cause the reconciliation, of the billing register with the actual receipts on a quarterly basis and is authorized to make appropriate additions and deletions to the billing register at any time that the city manager becomes aware of any inconsistency. (Ord. #2009-905, Dec. 2009)

17-204. Permit required. It shall be unlawful for any solid waste hauler to operate within the city without a permit issued by the city manager. Permit fees to any solid waste hauler authorized to operate within the city by permit, including reporting and accounting for operations within the city by any such waste hauler, may be established or changed by resolution or ordinance. (Ord. #2009-905, Dec. 2009)

17-205. Penalties. Violators of the provisions of this chapter shall be cited to city court and shall be subject to a fifty dollar (\$50.00) fine per day of violation. (Ord. #2009-905, Dec. 2009)

CHAPTER 3

OPEN BURNING

SECTION

- 17-301. Definitions.
- 17-302. Open burning prohibited.
- 17-303. Exceptions to prohibition.
- 17-304. Permits for open burning.
- 17-305. Penalties for failure to comply.

17-301. Definitions. (1) "Air curtain destructor" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain. The use of an air curtain destructor is considered controlled open burning subject to opacity requirements as stated elsewhere.

(2) "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

(3) "Garbage" is defined as putrescible animal or vegetable waste resulting from the processing, storage, serving or consumption of food.

(4) "Open burning" is the burning of any matter under such condition that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(5) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent or assigns.

(6) "Refuse collection service" is a public or private operation engaged in rubbish and/or garbage collection, transportation and disposal in a registered sanitary landfill.

(7) "Registered sanitary landfill" is defined as one approved by the Tennessee Department of Health and Environment, Division of Solid Waste Management, to which a registration number has been assigned.

(8) "Rubbish" is defined as residential paper and cardboard products and packaging.

(9) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. Leaves that are not still on limbs are not considered wood waste.

(10) "Fuel oil" is defined as having a lower ignition temperature than kerosene. Kerosene has an ignition temperature of four hundred forty-four degrees Fahrenheit (444° F). (Kerosene/diesel fuel is acceptable.)

(11) "Air pollution emergency episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.

(12) "Public nuisance" is defined as a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the citizens at large, resulting either from an act not warranted by law, or from neglect of a duty imposed by law. (as added by Ord. #2013-969, Jan. 2013)

17-302. Open burning prohibited. (1) No person shall cause, suffer, allow or permit open burning except as specifically exempted by § 17-303.

(2) Open burning except for the exemptions contained in § 17-303 will not be allowed in any area where the open burning would interfere with the attainment or maintenance of the State of Tennessee air quality standards.

(3) No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one half (1/2) mile of such a non-attainment or additional control area.

(4) The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.

(5) No open burning shall be allowed when the governor has placed a ban on open burning. (as added by Ord. #2013-969, Jan. 2013)

17-303. Exceptions to prohibition. Open burning, as listed below, may be conducted subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. As a general rule, open burning will not be permitted except between sunrise until one (1) hour before sunset. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

(1) Fires used for cooking of food or for ceremonial, recreational or comfort heating purposes, including barbecues and outdoor fireplaces. This exception does not include commercial food preparation facilities and their operation.

(2) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband.

(3) Fires set by or at the direction of responsible fire control persons solely for training purposes; such as for fire service training at fire academies

or for local fire department training, or directed at the prevention, elimination, or reduction of fire hazards. However, routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard.

(4) Fires used to clear land consisting solely of vegetation grown on that land for agricultural, forest, or game management purposes. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

(5) Fires used to clear land when trees and brush are piled may require that an air curtain destructor be used when the amount or distance of such burn is less than five hundred feet (500') to an airport, hospital, nursing home, school, federal or state highway and/or residences. The fire chief or his designee will make the determination when the air curtain destructor is required.

(6) Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in Tennessee Code Annotated, § 68-25-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

(7) Fires for the burning of bodies of dead animals, including poultry, in accordance with Tennessee Code Annotated, § 44-2-1302, and where no other safe and/or practical disposal method exists.

(8) Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of these regulations are met.

(9) Such other open burning as may be approved by the Tennessee Air Pollution Control Division where there is no other practical, safe, and/or lawful method of disposal. Documentation demonstrating where the general open burning regulations cannot be met must be submitted. (as added by Ord. #2013-969, Jan. 2013)

17-304. Permits for open burning. Open burning may be conducted only when authorized by a specific permit issued by the City of Mount Pleasant, Tennessee and approved in writing by the Mount Pleasant Fire Department before burning commences and then only when done in conformity with the following conditions and any special conditions and terms of the permit:

(1) Exempt from permits are § 17-303(1), (2) and (3).

(2) As a general rule, open burning will only be permitted between sunrise and until one hour before sunset.

(3) All materials to be burned must be dry and in all other respects be in a state to sustain good combustion.

(4) No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.

(5) Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.

(6) An open burning permit shall be subject to revocation if fire is deemed by the Mount Pleasant Fire Department to jeopardize public health or welfare, or create a public nuisance or safety hazard.

(7) Obtaining an open burning permit as required does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other requirements set forth by such agencies. (as added by Ord. #2013-969, Jan. 2013)

17-305. Penalties for failure to comply. Failure to obtain a valid open burning permit from the Mount Pleasant Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter and such corrective/punitive measures that may be deemed appropriate by the Mount Pleasant Fire Department. Schedule for equipment and manpower listed below with a one (1) hour minimum for each incident:

Fire Apparatus	\$ 100.00 per hour per apparatus
Firefighters	\$ 20.00 per hour per person
Support Vehicles	\$ 20.00 per hour
Materials	At cost (as added by Ord. #2013-969, Jan. 2013)