

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

1. REFUSE.
2. TRANSFER STATION.

#### CHAPTER 1

#### REFUSE<sup>2</sup>

#### SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Disposal to be at approved site.
- 17-104. Storage; use of containers.
- 17-105. Specifications as to size, kind and type of cart.
- 17-106. Requirements for commercial containers.
- 17-107. Location of containers.
- 17-108. Issuance of building permit; certificate of occupancy.
- 17-109. Maintenance of containers or loss.
- 17-110. Removal of defective containers.
- 17-111. Wet refuse to be drained and wrapped.
- 17-112. City collectors not responsible for removal from ground; preparation of lawn clippings, tree trimmings, leaves, packing material, building or construction debris, etc. for collection.
- 17-113. Littering around or damaging garbage containers.
- 17-114. Littering; handbills, etc.
- 17-115. Collection under jurisdiction of public works department.
- 17-116. Frequency of collection.
- 17-117. Permit for private collectors required; exception.
- 17-118. Exceptions to permit requirement.
- 17-119. Collection vehicles.
- 17-120. Deposit in streams, storm sewers, etc., prohibited.
- 17-121. Burning.
- 17-122. Authority of director; methods of collection generally.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

Emergency operations plan: title 20, chapter 5.

<sup>2</sup>See Ord. #1007 of record in the recorder's office for a landfill disposal agreement between the City of McMinnville and Sanifill of Tennessee.

- 17-123. Fees for solid waste collection.
- 17-124. Fees to be added to water bill; failure to pay.
- 17-125. Scavenging.
- 17-126. Special conditions.
- 17-127. City collectors not to enter private buildings to remove solid waste.
- 17-128. Exemptions.
- 17-129. Violations.

**17-101. Definitions.** As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(1) "Business" shall include, but not be limited to, wholesale, retail, professional or service establishments including, but not limited to, professional offices, restaurants, markets, all schools, hospitals, houses of worship, institutions, research facilities, offices and gas stations. This term shall also include anyone who is required to have a business license under the State of Tennessee.

(2) "Refuse collector" shall mean any person, firm, corporation, or political subdivision that collects, transports, or disposes of any refuse within the corporate limits of the city.

(3) "Garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, from all public and private residences and establishments, but excluding recognizable industrial byproducts.

(4) "Other residents" shall mean persons not residents in the corporate limits of the city but residing in Warren County Tennessee.

(5) "Person" shall mean any and all persons, natural or artificial, including any individual, business, firm, entity, or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.

(6) "Refuse" shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials from all residences and establishments, public and private, but shall not include sewage body wastes, or recognizable industrial byproducts.

(7) "Residence" shall mean a private dwelling serviced by a water meter and includes a unit in a multiple family dwelling, apartment, or trailer serviced by a water meter; or an abode of more than two rooms.

(8) "Residents" shall mean the owner or occupant of a residence, dwelling, structure or other premises within the corporate limits of the city.

(9) "Rubbish" shall include all nonputrescible waste materials, except ashes, from all public and private residences and establishments. However, the term does not include liquid or solid hazardous waste.

(10) "Solid waste" shall mean garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water effluent, dissolved materials in irrigation return flows, or other common water pollutants liquid or solid hazardous waste.

(11) "Solid waste disposal" shall mean the process of placing, confining, compacting, or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.

(12) "Solid waste disposal system" shall mean the relationship of the coordinated activities of and resources for processing and disposal of solid wastes within a common geographical area and under the supervision of any person or persons engaging in such activities.

(13) "Solid waste processing" shall mean an operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including, but not limited to, incineration, composting, separation, grinding, shredding, and volume reduction.

(14) "Director" shall mean the director of public works. (1982 Code, § 8-201, as replaced by Ord. #1373, March 2001)

**17-102. Premises to be kept clean.** All persons within the corporate limits of the city are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in § 17-104 of this chapter. (1982 Code, § 8-202, as replaced by Ord. #1373, March 2001)

**17-103. Disposal to be at approved site.** No person shall deposit or permit to be deposited any garbage or refuse matter which will be offensive, noxious, or dangerous to the public health, on his own premises or any premises under his or her control, or deposit such garbage or refuse matter in any back lot, vacant lot, public ground, park, alley street, floodplain, or areaway, or in any other place within the city, except as is otherwise provided by law. The disposal of refuse in any quantity by any person in any place, public or private, within the city, other than at a site designated by the director is expressly prohibited. (1982 Code, § 8-203, as replaced by Ord. #1373, March 2001)

**17-104. Storage; use of containers.** Each owner, occupant, or other responsible person using or occupying any building, house, structure, premises or grounds within the corporate limits of the city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of suitable containers for the storage of such refuse between intervals of collection. If accumulation of residential waste regularly exceeds the capacity of the 96 gallon container provided by the city, the public works director or his designee

may assign the resident an additional 96 gallon container, at such fees or charges as the board of mayor and aldermen may establish from time to time by municipal order. When a commercial container (i.e. dumpster) is found to be the best way of collecting garbage for a commercial customer or an apartment complex, only the commercial customer or the apartment residents who pay for the containers shall have the privilege to use that commercial container. Other persons who are found to be using city commercial containers will be in violation of this chapter. (1982 Code, § 8-204, as replaced by Ord. #1373, March 2001)

**17-105. Specifications as to size, kind and type of cart.** Residential or commercial structures for which a building permit was issued after January 31, 2001 will be required to purchase access to the city automated garbage collection system through a deposit for the use of the cart. The cart shall remain the property of the city. No other cans, containers, and/or plastic bags will be picked up by the city. (1982 Code, § 8-205, as replaced by Ord. #1373, March 2001)

**17-106. Requirements for commercial containers.** All automatic loading containers (i.e. dumpsters) may be required to have a concrete pad with dimensions not less than nine (9) feet by fifteen (15) feet and such pad shall be located so that the refuse collector's truck can pick up the commercial container from the front. This requirement shall not prohibit the owner of any place of business using such devices to store the container at another location when not spotted for pickup. (1982 Code, § 8-206, as replaced by Ord. #1373, March 2001)

**17-107. Location of containers.** Refuse containers required by this chapter shall be placed in a convenient, accessible location for pick-up as directed by the director of public works. (1982 Code, § 8-207, as replaced by Ord. #1373, March 2001)

**17-108. Issuance of building permit; certificate of occupancy.** Before building permits shall be issued for construction of commercial buildings and multiple dwelling units, plans for adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the director of public works. No certificate of occupancy shall be issued by the codes enforcement officer for said premises until the director of public works approval of these facilities has been obtained. (1982 Code, § 8-208, as replaced by Ord. #1373, March 2001)

**17-109. Maintenance of containers or loss.** Residential waste container(s) and commercial waste container(s) shall both remain the property of the city at the premises where delivered. The premises' owner(s) or occupant(s) and/or commercial establishment shall maintain their assigned waste container(s) and the surrounding area in a clean, neat, and sanitary

condition. Residential and commercial waste container(s) shall be cleaned and disinfected on a regular basis by the premises' owner(s) or occupant(s) or business utilizing the waste container. Container(s) which are damaged, destroyed, or stolen through neglect, improper use, or abuse by the occupant - users shall be replaced by the city at the expense of the occupants or the owner of the residence. Container(s) which are damaged in the course of normal and reasonable usage or which are damaged, destroyed through no abuse, neglect, or improper use of the occupant(s) users or residence owner shall be repaired or replaced at the sole discretion of the city, at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the city, are expressly prohibited and shall be regarded as damage to the containers. (1982 Code, § 8-209, as replaced by Ord. #1373, March 2001)

**17-110. Removal of defective containers.** The director or his designated agent is hereby authorized to confiscate and remove refuse containers from the premises of residences and business establishments, public and private, when such containers are not suitable for the healthful and sanitary storage of refuse. Such containers shall be removed and disposed of at a place and in a manner designated by the department of public works only after the owner of such containers has been fully notified of such impending action. (1982 Code, § 8-210, as replaced by Ord. #1373, March 2001)

**17-111. Wet refuse to be drained and wrapped.** Wet refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it in the storage container. (1982 Code, § 8-211, as replaced by Ord. #1373, March 2001)

**17-112. City collectors not responsible for removal from ground; preparation of lawn clippings, tree trimmings, leaves, packing material, building or construction debris, etc., for collection.** In no case will it be the responsibility of the city refuse collectors to shovel or pick up from the ground any accumulations of refuse, including lawn clippings, tree trimmings, leaves, brush, and packing material from areas around approved cans, plastic bags or commercial containers. It shall be the responsibility of the property owner or agent to keep these areas clear of these materials. All such materials shall be placed in containers of the type described in this chapter or cut and baled, tied, bundled, stacked, or packaged so as not to exceed thirty-six (36) inches in length and fifty (50) pounds in weight unless mechanical pick up is provided by the city and in no case will the city be responsible for removal of building or construction debris. (1982 Code, § 8-212, as replaced by Ord. #1373, March 2001)

**17-113. Littering around or damaging garbage containers.** It shall be unlawful for any person to scatter litter around a container, to overfill a container, to overflow any city container or damage any city container. Litter means knowingly and negligently to place, throw, pile or overfill a garbage container or city container with any matter on public or private property with the intent to leave the same. Damage means the denting, burning, or in any way defacing a garbage container or city container. (1982 Code, § 8-213, as replaced by Ord. #1373, March 2001)

**17-114. Littering; handbills, etc.** No person shall place on, deposit or leave exposed in any private yard, private driveway, or on any public street or public place in the city contiguous thereto, any handbills, or unsolicited newspaper, or unsolicited material, after the owner or occupant of the private property has made a written request that any such person, corporation, or business refrain from so doing. (1982 Code, § 8-214, as replaced by Ord. #1373, March 2001)

**17-115. Collection under jurisdiction of public works department.** The collection of refuse within the city shall be under the jurisdiction of the public works department. (1982 Code, § 8-215, as replaced by Ord. #1373, March 2001)

**17-116. Frequency of collection.** The director shall establish residential and commercial collection routes, days of the week, and hours for collection. All refuse shall be collected at sufficient frequent intervals to prevent the occurrence of nuisances and public health problems. (1982 Code, § 8-216, as replaced by Ord. #1373, March 2001)

**17-117. Permit for private collectors required; exception.** It shall be unlawful for any person or entity to engage in the business of, or offer the services of, garbage or refuse collection without having first obtained a permit for private collection from the City of McMinnville Public Water Works Department and a business license from the City of McMinnville. (1982 Code, § 8-217, as replaced by Ord. #1373, March 2001)

**17-118. Exceptions to permit requirement.** Nothing in this chapter shall prevent:

(1) Any licensed junk dealer, and/or organization, profit or non-profit, from collecting refuse recognized as having salvage value, or that can be recycled or otherwise transformed into a usable substances, provided such dealer, or organization may collect such salvageable, or recyclable, material only from premises where he has written invitation by the occupant.

(2) Any refuse producer or owner from selling or giving salvageable or recyclable materials to licensed junk dealers and/or organization for collection, removal, and disposal. (1982 Code, § 8-218, as replaced by Ord. #1373, March 2001)

**17-119. Collection vehicles.** The collection of refuse within the city shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares, by effective coverings or closed truck beds. (1982 Code, § 8-219, as replaced by Ord. #1373, March 2001)

**17-120. Deposit in streams, storm sewers, etc., prohibited.** It shall be unlawful for any person to dump or deposit refuse in any form into any stream, ditch, storm sewer, or other drain within the city. (1982 Code, § 8-220, as replaced by Ord. #1373, March 2001)

**17-121. Burning.** It shall be unlawful for any person to burn any garbage within the city. No other refuse shall be burned within the city, except in compliance with § 7-209 of the municipal fire code. (1982 Code, § 8-221, as replaced by Ord. #1373, March 2001)

**17-122. Authority of director; methods of collection generally.** All collection of refuse within the city shall be by methods approved by the director. Such methods shall include the maximum practical rodent, insect and nuisance control at the place of collection.

The director shall have the authority to make such other reasonable rules and regulations concerning individual collection and refuse disposal and transporting refuse over city streets.

The director shall also have the authority to determine the type, size, location and number of commercial containers required to adequately and safely collect and/or store refuse. (1982 Code, § 8-222, as replaced by Ord. #1373, March 2001)

**17-123. Fees for solid waste collection.** (1) A mandatory fee shall be imposed on all residences for solid waste collection services without regard to whether the service is actually used by the occupants or residents. One cannot avoid paying a city garbage collection fee imposed by this chapter by hauling one's own garbage.

(2) A fee will be charged all residences using city garbage service or having access to such use, said fee to be charged as follows:

A maximum of (2) two carts per residence will be issued.

Residential Rate Breakdown:

\$8.50 garbage disposal fee + \$2.50 brush collection + \$1.00 junk collection fee = \$12.00

<u>Number of containers</u>	<u>Fees</u>
1	\$12.00
2	\$12.00 + 7.50 = 19.50

\*Note: Additional carts require a one (1) time deposit for use of the cart established by the street and sanitation committee from time to time.

(3) Indigent residents - Any person regardless of age who is the head of the household and who meets the eligibility criteria under the State of Tennessee Property Tax Relief Direct Credit Program for ownership/residency and income shall pay one dollar (\$1.00) per month less than the established fee for residential garbage service as set out under section (2) above.

(4) (a) All commercial users, including any business as defined in § 17-101(1) of this chapter, using city garbage service or having access to such shall be charged a minimum of nineteen dollars and eighty cents (\$19.80) per month, per establishment. The only exemption to the user fee is specified in § 17-128 of this chapter.

(b) For each business, commercial, or industrial activity where the use of an individual commercial container (i.e. roll-out cart(s)) is required, the following charges will apply.

A maximum of three (3) carts per commercial establishment will be issued.

Note: Additional carts require a one (1) time deposit for the use of each cart established by the street and sanitation committee from time to time.

Commercial (96-Gallon Roll-out Cart(s))

<u>Number of Containers</u>	<u>Fees</u>
1	19.80
2	19.80 + 7.50 = 27.30
3	19.80 + 7.50 + 7.50 = 34.80

For each business, commercial, or industrial activity where the use of an individual commercial container (i.e. dumpster) is required, the following charges will apply:



## COMMERCIAL COLLECTION

Number of Services Per Week  
For Single Container

Cost Per Single Container  
Collection Per Month-Loose Yards

4 CUBIC YARDS

1	79.75
2	139.70
3	197.45
4	258.50
5	328.10
6	380.05

6 CUBIC YARDS

1	90.20
2	155.10
3	222.75
4	290.95
5	356.95
6	424.05

8 CUBIC YARDS

1	100.50
2	175.45
3	250.80
4	322.30
5	398.20
6	473.55

(5) Multiple unit residences - residents of apartment houses or multiple unit residences shall be charged the individual residential solid waste collection charge for each apartment or unit.

(6) Trailers or mobile homes - within the corporate limits of the city which are used for single family residences only shall be charged at the same rate as a residence.

(7) Additional pickups - commercial (dumpster) customers requiring additional pickups shall be charged the once per week collection rate times the number of containers picked up. Commercial (roll-out cart) customers using the cart system requiring additional collections will be charged an additional disposal fee based on the number of carts. The fees shall be set by the street

and sanitation committee from time to time. (1982 Code, § 8-223, amended by Ord. #1100, April 1994; replaced by Ord. #1100, Oct. 1996; Ord. #1329, Sept. 1999; and Ord. #1373, March 2001, and amended by Ord. #1499, June 2005, Ord. #1545, July 2007, Ord. # 1568, June 2008, and Ord. #1591, July 2009)

**17-124. Fees to be added to water bill; failure to pay.** The City of McMinnville shall collect the sums provided for herein along with and as part of the monthly water bill. In the event that any residence, business, or industry is not receiving a water bill, they may be billed by separate billing. (1982 Code, § 8-224, as replaced by Ord. #1373, March 2001)

**17-125. Scavenging.** When garbage or rubbish has been set out on a public street or alley for collection, no person except employees of the department of public works or of a duly authorized private hauler, shall remove any garbage or rubbish. The same shall apply to commercial containers provided by the city for commercial collection.

Ownership of garbage and refuse material set out for collection and/or deposited at the municipal disposal grounds shall be the property of the city; and scavenging, scattering, collection and pilfering the garbage and refuse in any way is prohibited except by written permission from the director. (1982 Code, § 8-225, as replaced by Ord. #1373, March 2001)

**17-126. Special conditions.** (1) Contagious disease refuse. The removal of wearing apparel, mattresses, other bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the director. Such refuse shall not be placed in containers for regular collection.

(2) Inflammable or explosive refuse. Highly inflammable or explosive materials, poisons, acids and caustics shall not be placed in containers for regular collection but shall be disposed of at the expense of the owner or possessor as directed by the director of public works.

(3) Construction refuse. Quantities of refuse materials resulting from the repair, excavation, construction or destruction of buildings, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, tree limbs, wooden waste or any other nonputrescible materials, shall be removed and disposed of by the contractor, owner or person having same in charge by a method satisfactory to the director.

(4) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the director of public works.

(5) Dead animals. Dead animals shall not be placed in garbage containers for regular collection. Such animals will be removed by special pickup on call to the public works department.

(6) Materials not prepared in accordance with this chapter. Unless refuse shall be prepared for collection as provided in this chapter, it will be

considered not acceptable for collection. (1982 Code, § 8-226, as replaced by Ord. #1373, March 2001)

**17-127. City collectors not to enter private buildings to remove solid waste.** City refuse collectors are prohibited from entering upon any privately owned structures, or portion of any such premises, for the purpose of removing refuse for collection. (1982 Code, § 8-227, as replaced by Ord. #1373, March 2001)

**17-128. Exemptions.** Any commercial customer may exempt himself or herself from the user's fee by providing the director with a document stating that solid waste collection services are not needed. A document will be provided to the commercial customer by the director. (1982 Code, § 8-228, as replaced by Ord. #1373, March 2001)

**17-129. Violations.** It shall be unlawful to willfully fail to pay the fee assessed by this chapter after the date said fee is delinquent, or to violate any other portion of this chapter. It shall also be unlawful to willfully use the city's solid waste services and fail to pay for said services. (1982 Code, § 8-229, as replaced by Ord. #1373, March 2001)

## CHAPTER 2

### TRANSFER STATION

#### SECTION

- 17-201. Rules of operation of transfer station.
- 17-202. Transfer station fees.
- 17-203. Yard waste disposal fees.
- 17-204. Definition yard waste.
- 17-205. Special materials.

**17-201. Rules of operation of transfer station.** The following rules and regulations shall apply to the operation of the transfer station.

- (1) No one shall be permitted on the premises unless it is for the purpose of discharging refuse.
- (2) Refuse shall be deposited only where directed by the supervisor on duty.
- (3) Scavenging shall not be permitted.
- (4) The hours of operation and cost of disposal shall be posted at the entrance of the premises. (Ord. #1034, May 1992)

**17-202. Transfer station fees.** The fee for use of the transfer station shall be fifteen and no/100 dollars (\$15.00) per cubic yard of all noncontract users. The solid waste disposal fee per cubic yard is as follows:

Transfer Station cost - cubic yard	\$9.10
Landfill Tipping Fee - cubic yard	4.90
State Fees/Surcharge - cubic yard	.25
Bedford Co. PVG. Tax or fee - cubic yard	<u>.75</u>
Total Cost Per Cubic Yard	\$15.00

The landfill tipping fees, state fees and Bedford County Privilege Tax or fee may change from time to time. The extraordinary levies, which include the tipping fee, the state surcharge, and inspection fee, and the Bedford County privilege tax or fee per cubic yard is subject to change and any increase incurred by the city will be passed to and collected from the users of the transfer station. An increase in the said extraordinary levies may be added by the authority of the city administrator, but in no event shall the transfer station cost per cubic yard be increased or decreased without the approval of the board of mayor and aldermen of the City of McMinnville, Tennessee.

The City of McMinnville may agree to a lower transfer station cost than set out herein, provided that a contractual agreement is executed by the parties

after approval is obtained from the board of mayor and aldermen. Such contractual agreement shall contain provisions which guarantees a minimum quantity of solid waste will be brought to the transfer station for a specified period of time. (Ord. #1034, May 1992, as replaced by Ord. #1105, sec. 1, Feb. 1994)

**17-203. Yard waste disposal fees.** The fee for disposal of yard waste at the transfer station site shall be fifteen and no/100 dollars (\$15.00) per ton. (as added by Ord. #1336, Nov. 1999)

**17-204. Definition yard waste.** Shall include brush, limbs, chips and untreated lumber. Logs shall not exceed six (6) feet in length or four (4) feet in diameter. (as added by Ord. #1336, Nov. 1999)

**17-205. Special materials.** A special rate shall be established for materials which, because of their weight or characteristics, i.e., foam, sponge rubber, or roofing shingles, use more space or reduce the quantities which may be hauled in transfer trailers. This rate shall be established and may be charged from time to time by the street and sanitation committee. (as added by Ord. #1336, Nov. 1999)