TITLE 17

REFUSE AND TRASH DISPOSAL

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SECTION
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17-101. Private collection permits. (1) Any person who for a fee collects garbage, rubbish, chipper residue, wood waste, yard waste, or industrial waste within a mobile waste container within the limits of the City of Forest Hills or hauls or transports garbage, rubbish, chipper residue, wood waste, yard waste or industrial waste by means of a vehicle on any public highway, road, street or alley within the limits of the city shall obtain each year a private collection permit from the city for each such vehicle or mobile waste container. Vehicles and mobile waste containers owned and operated by the city shall not be required to obtain private collection permits. The city manager shall determine the costs to be incurred by the city in administering the permitting program contemplated by this section, including the cost of enforcement, and charge fees for permit issuance that are sufficient to allow the department to recover such costs in full. The fees for permit issuance shall be approved by the board of commissioners by resolution. A person seeking a permit under this section shall submit an application to the city manager on a form approved by the city manager and specifying:

   (a) The person's name, home address, business address and telephone numbers;

   (b) A list and full description by make and model of all equipment that the person will or may use in the city for any purpose described in this section;

   (c) Proof of liability insurance issued by a company authorized to do business in Tennessee in the amounts required by the city manager;
(d) A plan for the provision of recycling services for the person's customers per § 17-102;
(e) Such other and further information as the city manager may reasonably require.

(2) Upon verification of the information contained in the application and payment of the required fee, the city manager shall issue the private collection permit.

(3) The private collection permit contemplated in this section shall be effective for one (1) year from the date of its issuance by the city manager.

(4) The city manager may impose conditions upon the issuing of a permit reasonably calculated to eliminate excessive noise, scattering of dust, dirt and other materials and similar nuisances, compel adherence to the provisions of this chapter and prevent obstruction of public streets and interference with traffic.

(5) The city manager may revoke a permit granted under this section if the permittee violates any provision of the chapter or the terms of the permit. A person whose permit has been revoked may apply for reissuance of the permit. A permit shall be reissued under this section only upon such terms as the city manager may reasonably require.

(6) A private collection permit required and issued under this section shall be affixed to the driver's side windshield of the permitted vehicle, or to the front of the permitted mobile waste container. (as added by Ord. #2012-198, March 2012)

17-102. Recycling services to be made available. (1) Effective July 1, 2013, each person providing solid waste collection services within the jurisdictional area of the City of Forest Hills shall offer recycling services and may charge a reasonable fee for the provision of recycling services.

(2) Prior to becoming eligible for a private collection permit pursuant to this chapter, the applicant shall submit a plan to the city manager for the provision of recycling services. The plan shall contain:
   (a) A description of the materials which the applicant will accept for recycling;
   (b) A description of any requirements which the applicant will impose on those using the recycling service including but not limited to:
      (i) The type of container which will be used for recycling and whether the container must be purchased from the applicant and the cost therefore;
      (ii) The fee to be imposed by the applicant for the provision of the recycling service.
   (c) The minimum level and frequency of service; and
   (d) Any other information the city manager deems necessary.

(3) The city manager shall approve the plan if the specified fees, requirements and levels of service are, in his/her opinion, reasonable and
consistent with other recycling services within the city. The applicant may submit a request to amend an existing recycling plan at any time. The application to amend an existing plan shall specify the requested amendment and the reason such amendment should be granted. The city manager shall consider the proposed amendment in accordance with the standards set forth in this subsection. (as added by Ord. #2012-198, March 2012)

17-103. _Waiver_. The city manager shall waive the permit fee, described in § 17-101(1) herein, and the requirement that a private collection permit be affixed to the driver's side windshield, described in § 17-101(6) herein, provided that the applicant:

(1) Satisfies all other requirements of this chapter;
(2) Demonstrates that it holds a similar permit which is in good-standing with the Metropolitan Government of Nashville and Davidson County; and
(3) Demonstrates that a permit from the Metropolitan Government of Nashville and Davidson County is affixed to the driver's side windshield of each permitted vehicle, or permitted mobile waste container. (as added by Ord. #2012-198, March 2012)

17-104. _No curbside collection_. No residential garbage, or waste intended for recycling, shall be placed at curbside for collection. (as added by Ord. #2012-198, March 2012)

17-105. _Container requirements_. At all times, it shall be the duty of the owner of every premises where garbage is created or accumulated to keep or cause to be kept a sufficient number of containers approved by the city manager for the deposit of garbage generated on the premises. Lids or covers must be provided for all such containers and they shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers must be stored at a location at the rear or side of the premises or at a location approved by the city manager so as to not be visible from a public street. (as added by Ord. #2012-198, March 2012)

17-106. _Nuisances_. It is unlawful for any person to keep, cause to be kept, or allow the keeping of garbage or rubbish on any premises within the area of the City of Forest Hills in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is declared a public nuisance. (as added by Ord. #2012-198, March 2012)

17-107. _Brush collection_. (1) Brush collection shall be in accordance with regulations promulgated by the city manager. No other types of waste in addition to yard waste will be collected by the city or its brush collection contractors; nor will any solid waste or non-uniform yard waste (including logs)
be moved or handled to allow collection of other yard waste in the same stockpile.

(2) The brush collection service will only collect stockpiles of yard waste left at a location at the curb or the edge of the road or street or other locations approved by the city manager.

(3) No yard waste will be collected from private property, except as otherwise provided in this section.

(4) Persons operating tree surgery businesses or other commercial ventures which generate yard waste shall remove all debris generated by their procedures and dispose of that debris according to regulations promulgated by the city manager.

(5) Persons collecting, processing or disposing of yard waste in lieu of using the brush collection service contemplated in this section shall comply with regulations promulgated by the city manager.

(6) The city manager shall develop rules and regulations as may be necessary to aid in the administration of this provision and shall have the authority to suspend any or all of the chipper service rules in an emergency.

(7) No yard waste shall be placed for collection in any area where it can be washed into a storm sewer, catch basin or stream.

(8) Loose yard waste may be placed in bags for storage and collection. Bags used for storage and collection must be biodegradable and approved by the director. Yard waste placed in bags that are not biodegradable shall not be collected by the brush collection service.

(9) The city manager may cause the city or its contractors to produce and distribute educational materials to promote and encourage recycling, "home" composting and other environmentally sound alternatives for the disposal of yard waste. (as added by Ord. #2012-198, March 2012)

17-108. Violation and penalty. It shall be a civil offense to violate any provision of this chapter, which civil offense shall be punishable by a civil penalty of not more than fifty dollars ($50.00) and costs for each separate violation. Each day a violation shall be allowed to continue shall constitute a separate offense. Furthermore, the city manager or the city attorney are authorized to seek injunctive relief to prohibit violations of this chapter. (as added by Ord. #2012-198, March 2012)