

TITLE 17

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

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. General collection and storage regulations.
- 17-104. Residential collection.
- 17-105. Commercial collection.
- 17-106. Collection vehicles.
- 17-107. Disposal.
- 17-108. Service user fees – residential collection.
- 17-109. Violations and penalty.
- 17-110. Initial enrollment.

17-101. Definitions. For the purpose of administering this chapter, the following definitions shall apply:

(1) "Bags." Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top with a total weight of a bag and its contents not to exceed thirty-five (35) pounds.

(2) "Bin." A metal receptacle that can be lifted and emptied mechanically for use at commercial units, commonly referred to as a "dumpster."

(3) "Bulky waste." Used and discarded mattresses and box springs, stoves, refrigerators, water tanks, washing machines, furniture, and other waste materials other than construction debris, dead animals, hazardous waste or yard waste with weights or volumes greater than those allowed for containers.

(4) "Commercial refuse." All bulky waste, construction debris, garbage, and rubbish generated by a producer at a commercial unit.

(5) "Commercial unit." All premises, locations or entities, public or private, require refuse collection within the corporate limits of Atoka, which are not a residential unit.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(6) "Construction debris." Waste building materials resulting from construction, remodeling, repair or demolition operations.

(7) "Containers." Strong, durable, and rodent and insect proof receptacles for holding and storing solid wastes prior to collection and disposal by the town, and meeting the following specifications:

(a) Residential: Contractor or town-provided, ninety-six (96) gallon rolling containers with attached lids and in "as new" condition.

(8) "Contractor." The person, firm, corporation, or partnership performing refuse collection and disposal under the terms of a contract with the Town of Atoka.

(9) "Curbside." Refers to that portion of the right-of-way adjacent to paved or traveled town roadways, including alleys.

(10) "Dead animals." Animals or portions thereof equal to or greater than ten (10) pounds that have expired from any cause, except those slaughtered or killed for human use or consumption.

(11) "Garbage." Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not limited to used tin cans and other food containers, and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents), any and all dead animals of less than ten (10) pounds, except those slaughtered for human consumption, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or yard waste.

(12) "Hazardous waste." Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law.

(13) "Producer." An occupant of a residential or commercial unit which generates refuse.

(14) "Recyclable materials." Newsprint, cardboard, plastic containers, etc., which are placed in the recyclable materials containers or in some manner separated from the waste stream.

(15) "Refuse." This term shall refer to residential and commercial garbage, bulky waste, construction debris, and yard waste generated at a residential or commercial unit unless the context otherwise requires.

(16) "Residential refuse." All garbage, rubbish, and yard wastes generated by a producer at a residential unit.

(17) "Residential unit." A dwelling within the corporate limits of Atoka occupied by a person or group of persons. A residential unit shall be deemed occupied when water or domestic light and power services are being supplied thereto. Multi-family units such as apartment or condominium complexes may select to operate as a commercial unit for the purposes of this chapter.

(18) "Rubbish." All waste wood, wood products, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, or hazardous waste.

(19) "Storm debris." Limbs, building debris and other materials generated by storms or other disasters.

(20) "White goods." Appliances, including but not limited to, clothes washers, dryers, cook stoves, refrigerators, dishwashers, etc.

(21) "Yard waste." All tree trimmings, dead trees, or branches thereof, grass clippings, garden trimmings, brush trimmings, weeds and roots from which all dirt has been removed. Trees and branches shall be a maximum of five feet (5') in length and no more than five inches (5") in diameter. (as replaced by Ord. #12-10-03, Oct. 2012, and amended by Ord. 17-10-02, Oct. 2017)

17-102. Premises to be kept clean. All persons within the town 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. (as replaced by Ord. #12-10-03, Oct. 2012)

17-103. General collection and storage regulations. (1) Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the town where refuse accumulates or is likely to accumulate, shall secure and keep covered an adequate number of refuse containers as defined in this chapter. Furthermore, except for containers which the town or its contractor 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 trimmings, hedge and brush clippings, and similar materials shall be cut to a length not to exceed five feet (5') and five inches (5") in diameter and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two feet (2') thick before being deposited for collection.

(2) Removal of grass clippings, leaves, and brush and tree trimmings. Reserved for future use.

(3) Removal of yard waste, branches, cuttings, etc. Reserved for future use.

(4) Town employees and those employed by the town's contractor are not authorized to enter garages or to collect from porches. No employee of the town or its contractor is required to enter any area where a vicious animal is harbored.

(5) 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 the use of public refuse containers for their intended purpose.

(6) Burning. It shall be unlawful to burn trash or garbage in any container used for garbage pick-up and no such container shall be emptied by the town or its contractor when there is evidence of burning.

(7) The town or its contractor may provide for the special collection of dead animals and hazardous wastes at residential units at its sole discretion and upon such terms and conditions as the town or its contractor shall specify. (as added by Ord. #12-10-03, Oct. 2012, and amended by Ord. #17-10-03, Oct. 2017)

17-104. Residential collection. (1) It is hereby declared to be the exclusive right of the Town of Atoka to engage in the collection, removing, and disposal of residential refuse within the corporate limits of the town. It shall be unlawful for any person other than the town or its authorized contractor to engage in the business of collecting, removing, and disposing of residential refuse in the town, except those private collectors specifically authorized by the town. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected and hauled as prescribed in this chapter.

(2) Containers shall be placed at curbside by 6:00 A.M. on the designated collection day. Empty containers shall be removed from curbside within twenty-four (24) hours after collection.

(3) Weekly pick-up shall be established according to a schedule approved by the board of mayor and aldermen.

(4) All special collections from residential units shall be collected at the curb. When construction work is being performed in the right-of-way, containers and bags shall be placed as close as practicable to an access point for the collection vehicle. (as added by Ord. #12-10-03, Oct. 2012)

17-105. Commercial collection. Each commercial producer shall have its solid wastes collected at least one (1) time per week by the vendor of their choosing, and may make arrangements for additional collections as needed. (as added by Ord. #12-10-03, Oct. 2012)

17-106. 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. (as added by Ord. #12-10-03, Oct. 2012)

17-107. 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 mayor and aldermen is expressly prohibited. (as added by Ord. #12-10-03, Oct. 2012)

17-108. Service user fees – residential collection. (1) There is hereby established a residential garbage service user fee to be charged to and collected from each household in the Town of Atoka, Tennessee on a monthly basis.

(2) Household is defined, for the purpose of this section, as all residential units within the Town of Atoka, whether occupied or not, to which garbage and refuse pick-up service is furnished by the town, and available for use, whether utilized or not, and for which pick-up service is not otherwise required to be provided as a commercial unit or apartment development in excess of six (6) units.

(3) Fees. The following monthly rates and fees shall be charge to solid waste customers:

Residential Solid Waste (first can)	\$16.00
Each additional can	\$10.00

(4) User fees shall be added to town utility billing whenever possible. The town administrator is authorized and directed to institute collection mechanisms, rules and regulations and means as shall be deemed by the town administrator to be efficient, appropriate and expedient to effect collections.

(5) Residential curbside recycling - \$4.00. (as added by Ord. #12-10-03, Oct. 2012, and amended by Ord. #17-10-01, Oct. 2017, and Ord. #17-10-02, Oct. 2017)

17-109. Violations and penalty. (1) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment to the town. Late fees and penalties for non-payment shall be charged in accordance with the fee schedule established in § 18-403 of the Atoka Municipal Code.

(2) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate fifty dollar (\$50.00) civil fine for non-payment. (as added by Ord. #12-10-03, Oct. 2012)

17-110. Initial enrollment. (1) Initial enrollment. During the forty-five (45) days following the adoption of this ordinance or by 5:00 P.M. on December 3, 2012, whichever is later, current town residents will have the opportunity to "opt out" of receiving the residential collection service by completing a form that will be provided to all town residents. Persons who decide to opt out will not be billed for this service, but may opt in and receive the service in the future, and will at that time be billed accordingly. After the forty-five (45) day time period expires or 5:00 P.M. on December 3, 2012 has passed,

whichever is later, those residents who do not opt out as provided above and any new residents moving into the town thereafter will be billed for this refuse service, and will not have the ability to opt out.

(2) Initial enrollment for recycling. During the forty-five (45) days following the adoption of this ordinance or by 5:00 P.M. on December 1, 2017, whichever is later, current solid waste customers will have the opportunity to "opt out" of receiving the residential collection service by completing a form that will be provided to all current customers. Persons who decide to opt out will not be billed for this service, but may opt in and receive the service in the future, and will at that time be billed accordingly. After the forty-five (45) day time period expires or 5:00 P.M. on December 1, 2017 has passed, whichever is later, those customers who do not opt out as provided above and any new customer accounts thereafter will be billed for this recycling service, and will not have the ability to opt out. (as added by Ord. #12-10-03, Oct. 2012, and replaced by Ord. #17-10-02, Oct. 2017)