

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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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, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1976 Code, § 8-201)

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. (1976 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Henderson

¹Municipal code reference

Property maintenance regulations: title 13.

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 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 trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1976 Code, § 8-203)

17-104. Location of refuse containers. In areas of the city 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 ditch, at such times as shall be scheduled by the city for collection of refuse. Where alleys are used by the city refuse collectors, containers shall be placed on or within six feet (6') of the alley. The containers shall not be placed at the street edge any earlier than 6:00 P.M. the night before the scheduled pickup and shall be removed from the street edge as soon as practicable after refuse collection but always within twelve (12) hours after refuse collection. No crate, container, box or other items shall remain at the street edge between pickups. In residential areas, when not being placed out for pickup; refuse containers shall be stored at the rear of each residence or structure. The public works director shall work with each commercial refuse customer to determine if the city can provide refuse service based on waste volume and pickup frequency. The public works director shall work with the business to determine the proper location for refuse containers for pickup by city crews. If the city is unable to provide refuse pickup to any commercial customer, the commercial business will have to contract with a private hauler to provide the service. For both residential and commercial customers, if refuse containers and/or dumpsters are stored in any location visible for a public street, they shall be shielded from view by a fence or other structure. (1976 Code, § 8-204, as replaced by Ord. #503, July 2017 *Ch3_08-12-21*)

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 the use of public refuse containers for their intended purpose. (1976 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 board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1976 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. (1976 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 mayor and aldermen is expressly prohibited. (1976 Code, § 8-208)

17-109. Service fees for collection, removal and disposal of refuse. The following monthly fees are established for the collection, removal and disposal of refuse:

Class 2 Residential units, including single family dwellings, mobile homes, duplex, triplex, and quadruplex, for each unit thereof: \$ 17.50

Commercial businesses and other non-residential purposes:

<u>CLASS</u>	<u>WEEKLY PICKUP MINUTES</u>	<u>MONTHLY FEE</u>
3	0 to 1.00	\$ 17.50
4	1.01 to 1.50	\$ 21.83
5	1.51 to 2.00	\$ 27.22
6	2.00 to 2.50	\$ 32.62
7	2.51 to 3.00	\$ 38.01
8	3.01 to 3.50	\$ 43.40
9	3.51 to 4.00	\$ 48.79
10	4.00 to 4.50	\$ 54.19
11	4.51 to 5.00	\$ 59.58
12	5.01 to 6.00	\$ 70.36
13	6.01 to 7.00	\$ 81.15
14	7.01 to 8.00	\$ 91.93
15	8.01 to 9.00	\$102.74
16	9.01 to 10.00	\$113.52
17	10.01 to 11.00	\$124.31
18	11.01 to 12.00	\$135.09
19	12.01 to 13.00	\$145.88
20	13.01 to 14.00	\$156.66

21 -----	14.01 to 15.00 -----	\$167.45
22 -----	15.01 to 16.00 -----	\$178.23
23 -----	16.01 to 17.00 -----	\$189.02
24 -----	17.01 to 18.00 -----	\$199.80
25 -----	18.01 to 19.00 -----	\$210.60
26 -----	19.01 to 20.00 -----	\$221.38
27 -----	20.01 to 21.00 -----	\$232.17
28 -----	21.01 to 22.00 -----	\$242.95
29 -----	22.01 to 23.00 -----	\$253.74
30 -----	23.01 to 24.00 -----	\$264.52
31 -----	24.01 to 25.00 -----	\$275.31
32 -----	25.01 to 26.00 -----	\$286.09
33*-----	26.01 to 27.00 -----	\$296.88
34 -----	27.01 to 28.00 -----	\$307.68
35 -----	28.01 to 29.00 -----	\$318.47
36 -----	29.01 to 30.00 -----	\$329.25
37 -----	30.01 to 31.00 -----	\$340.04
38 -----	31.01 to 32.00 -----	\$350.82
39 -----	32.01 to 33.00 -----	\$361.61
40 -----	33.01 to 34.00 -----	\$372.39
41 -----	34.01 to 35.00 -----	\$383.18
42 -----	35.01 to 36.00 -----	\$393.96
43 -----	36.01 to 37.00 -----	\$404.76
44 -----	37.01 to 38.00 -----	\$415.54
45 -----	38.01 to 39.00 -----	\$426.33
46 -----	39.01 to 40.00 -----	\$437.11
47 -----	40.01 to 41.00 -----	\$447.90
48 -----	41.01 to 42.00 -----	\$458.68
49 -----	42.01 to 43.00 -----	\$469.47
50 -----	43.01 to 44.00 -----	\$480.25
99 -----	Over 44.00 -----	\$480.25 plus \$10.00 for each additional minute.

The public works director shall cause each commercial establishment to be placed in a particular class based upon average collections per week. The public works director from time to time may change the classification of a commercial establishment from one class to another. The decision of the public works director shall be final. (1976 Code, § 8-210, as amended by Ord. #266, June 1993, Ord. #277, July 1994, and Ord. #307, June 1997, and replaced by Ord. #359, June 2001, Ord. #405, June 2005, Ord. #413, July 2006, Ord. #446, June 2009, Ord. #503, July 2017 *Ch3_08-12-21*, and Ord. #522, May 2019 *Ch3_08-12-21*)

17-110. Adjustment of overcharged customers. The public works director and the mayor are authorized to adjust previously charged sanitation fees if a mistake was made either in the classification of a commercial business,

an incorrect pickup time study or if duplicate charges were issued to a single customer location due to numerous water and/or gas accounts. Adjustments shall be made as a credit to the utility account if the customer is still in service. If the customer is no longer in service, a refund may be authorized. All adjustments shall be made in writing and shall be signed by both the public works director and the mayor. (Ord. #307, June 1997)

17-111. Minimum fees. Nothing in this chapter shall prevent any refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in a manner as not to create a nuisance. In the event that any refuse producer described in § 17-109 above shall elect to forego the refuse collection services of the City of Henderson, Tennessee, then in that event, each refuse producer shall be liable for the minimum fee set forth above. (1976 Code, § 8-211)

17-112. Special collection services. The public works director may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with the regulations and fees approved by him. (1976 Code, § 8-212, modified)

17-113. Billing of service fees. The service fee for collection, removal, disposal of refuse by the city shall be included as a separate item each month on the bills rendered by the city for utility service. Said charges shall be rendered on the first utility bill sent on or after May 12, 1988, and for each month thereafter. The accounts shall be paid at the same time utility bills are paid.

Utility service shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the utility bill.

In the case of premises containing more than one dwelling unit or place of business, and each is billed separately for utility service by the city, such fee shall be billed to each person in possession, charge, or control who is a utility customer of the city. In the case of premises containing more than one dwelling unit or place of business which are served through a single meter, so that the occupants or tenants cannot be billed separately by the city, the customer responsible for the utility bill shall be liable for the refuse service fees for the premises. (1976 Code, § 8-213)

17-114. Implementing authority of the sanitation superintendent. The collection, removal and disposal of refuse from premises in the city shall be under the supervision and control of the public works director. He shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as he deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (1976 Code, § 8-214, modified)

17-115. Violations. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the public works director shall be subject to a penalty of not more than five hundred dollars (\$500.00) for each offense and each day of such violation shall be deemed a separate offense. (1976 Code, § 8-215, modified)