

**TITLE 17****REFUSE AND TRASH DISPOSAL****CHAPTER**

1. MUNICIPAL COLLECTION SYSTEM.
2. STORAGE, CONTAINERS, COLLECTION, ETC.
3. SCHEDULE OF CHARGES AND COSTS.

**CHAPTER 1****MUNICIPAL COLLECTION SYSTEM****SECTION**

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**17-101. Definitions.** For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Apartment-condominium." Structure located within the City of Jackson, housing more than two (2) family units.

(2) "City." The City of Jackson, Tennessee.

(3) "Commercial business." All places of business located within the City of Jackson, Tennessee, except manufacturing plants, including trailer courts consisting of eight (8) or more units, apartments and condominiums, served by containers of not less than two (2) cubic yards.

(4) "Director of health and sanitation" or "director." The director of health and sanitation of the city.

(5) "Garbage." Food waste products, ashes, residue from fires, and refuse, waste paper, rags, castoff clothing, crockery, bottles, tin cans, yard trimmings, weeds, leaves and similar materials that may be broken up and placed in waste receptacles so that the cover may be tightly closed, excluding trash and radioactive, pathological, volatile, hazardous waste or other waste which cannot be lawfully disposed of in a landfill.

(6) "Municipal disposal grounds." Any area owned or controlled by the City of Jackson designated by the city council as the area for disposal of garbage, refuse and rubbish collected within the City of Jackson.

(7) "Plastic bag." A bag made of plastic approximately two feet (2') in diameter and four feet (4') in length and of sufficient strength to contain the weight of the contents without splitting. Such bags must be securely tied.

(8) "Refuse." Any combination of garbage, ashes and rubbish.

(9) "Residence." Structure located within the City of Jackson, housing not more than two (2) family units.

(10) "Special waste receptacle." A square or round-type container with a swing-type cover and removable inner container.

(11) "Standard container." A water-tight receptacle or metal container with handles or bails with tight-fitting cover having a capacity of more than twenty (20) gallons and less than fifty (50) gallons and which will not weigh more than seventy-five (75) pounds when filled.

(12) "Trash and bulky waste." Loose brush, loose limbs, furniture, appliances, large machines, construction material and similar items. Professional tree trimmers, landlords, and contractors will be required by city ordinance to pick up their own trash and bulky waste and dispose of same in accordance with city ordinance. (1995 Code, § 17-101, as amended by Ord. #2016-001, Jan. 2016, and Ord. #2019-010, May 2019)

**17-102. Garbage and refuse collection required.** Every residence, industry, commercial business, apartment-condominium or structure or activity within the City of Jackson which causes or creates on its premises garbage and/or refuse shall provide to same the garbage and/or refuse collection service established under the provisions of this chapter. (1995 Code, § 17-102, as amended by Ord. #2019-010, May 2019)

**17-103. Collection--to be made by city; exception.** All garbage and/or refuse, trash and bulky waste shall be collected, conveyed and disposed of by the city. The city may contract for the collection of such garbage and/or refuse and trash and bulky waste or any part thereof. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as noted hereafter:

(1) Exception for actual producers. This chapter shall not prohibit the actual producer of garbage, refuse, trash or bulky waste, the employees of the actual producer, or the owners or legal occupants of the premises upon which the garbage, refuse, trash or bulky waste has accumulated, from personally collecting, conveying and disposing of same. The actual producer of the waste, the employees of the actual producer, and the owners or legal occupants of the premises may personally transfer such garbage, refuse, trash or bulky waste and dispose of same in the city landfill without the necessity of the permit.

(2) Exception for trash and bulky waste. Any producer of trash and bulky waste, as defined in this chapter, may personally transfer such trash and bulky waste and dispose of same in the city landfill without the necessity of the permit required in subparagraph (1) above.

(3) Exception for outside collectors. This chapter shall not prohibit collectors of garbage, refuse and trash and bulky waste collected outside of the city from hauling such trash and bulky waste over city streets; provided such collectors are hauling same in containers and vehicles of an approved type under the provisions of this chapter. (1995 Code, § 17-103, as amended by Ord. #2019-010, May 2019)

**17-104. To be supervised by director.** (1) All garbage, refuse and trash and bulky waste accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the director of health and sanitation. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as are necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions of this chapter.

(2) Any person aggrieved by a regulation or charge of the director, shall have the right to appeal to the city council which shall have the authority to confirm, modify or revoke any such regulation or charge, such decision to be final. (1995 Code, § 17-104, as amended by Ord. #2019-010, May 2019)

**17-105. Special requirements.** (1) Generally. All garbage and refuse shall be removed from private residences twice each week or as often as is deemed necessary by the director. All garbage must be bagged. Garbage and refuse shall be removed from commercial business, industry and apartment-condominium locations as often as is deemed necessary by the director.

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

(3) Inflammable or explosive garbage and 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 health and sanitation.

(4) Construction garbage and refuse. Quantities of garbage and 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, woolen wastes or any other nonputrescible materials, shall be

removed and disposed of by the licensed contractor, or the property owner or legal occupant of the property by a method allowable under this Ordinance.

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

(6) 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 sanitation department.

(7) Materials not prepared in accordance with this chapter. Unless garbage and refuse shall be prepared for collection as provided in this chapter, it will be considered not acceptable for collection. (1995 Code, § 17-105, as amended by Ord. #2016-001, Jan. 2016 and Ord. #2019-010, May 2019)

**17-106. By actual producers and outside collectors.**

(1) Requirements for vehicles. The actual producers of garbage and refuse, or the owners of premises upon which garbage and refuse is accumulated, who desire to dispose of waste material not included in the definition of garbage and refuse, and collectors of garbage and refuse from outside the city who desire to haul over the streets of the city, shall use a vehicle or container provided with a cover so to prevent offensive odors escaping therefrom and refuse or liquid from being blown, dropped or spilled.

(2) Disposal. Disposal of garbage and refuse by persons so permitted under paragraph (1) of this section shall be made at the city landfill unless otherwise authorized by the director. The use of the city landfill by outside collectors shall be subject to the appropriate charge for such privilege.

(3) Other requirements. The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the handling of garbage and refuse over city streets as may be necessary, subject to the right of appeal as set forth in § 17-104.

(4) Garbage and refuse property of city. 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. (1995 Code, § 17-106, as amended by Ord. #2019-010, May 2019)

**17-107. Inspections.** The director of health and sanitation or his authorized agent is hereby directed to make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with. (1995 Code, § 17-107, as amended by Ord. #2019-010, May 2019)

**CHAPTER 2****STORAGE, CONTAINERS, COLLECTION, ETC.****SECTION**

17-201. Preparation.

17-202. Collection points.

17-203. Containers.

17-204. Storing of garbage and refuse restricted.

**17-201. Preparation.** All garbage and refuse before being placed in garbage cans or bags for collection shall have drained from it all free liquids. Garbage placed in a can shall be wrapped in paper or other equivalent material. (1995 Code, § 17-201, as amended by Ord. #2019-010, May 2019)

**17-202. Collection points.** Garbage and refuse containers shall be placed for collection at ground level on the property not within the right-of-way of a street or alley, and shall be accessible to and not more than forty feet (40') from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level and at a distance of more than forty feet (40') when approved by the director. (1995 Code, § 17-202, as amended by Ord. #2019-010, May 2019)

**17-203. Containers.** (1) Residential. (a) Duty to provide and maintain in sanitary condition. Garbage and refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Garbage and refuse containers shall be maintained in good order and repair. Any container that may have jagged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be properly replaced upon notice. The director shall have the authority to refuse collection services for failure to comply herewith. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes or other insects or rodents.

(b) Garbage containers. Garbage containers shall be only a standard container, a plastic bag or a special waste receptacle, as defined in § 17-101.

(2) Industrial and commercial. Containers for use by industrial and commercial customers shall be those furnished by the City of Jackson or its contractors, and only approved containers may be used by commercial and industrial activities in every instance where same is practicable as determined by the city. Any industrial and commercial activity may furnish its own containers or containers provided same is of an approved type established by the city. It shall be the duty of the person, firm or corporation furnishing such

container to keep same clean and free from accumulation of any substance on the inside or the outside which would attract or breed flies, mosquitoes or other insects or rodents and free of noxious odors. The person, firm or corporation furnishing such container shall likewise have the duty of keeping same in a good and safe condition and repair. Any commercial or industrial activity so located that the use of the standard dumpster type container of two (2) cubic yards or more is impracticable in the opinion of the city shall furnish a container or containers as provided above for residential use. (1995 Code, § 17-203, as amended by Ord. #2019-010, May 2019)

**17-204. Storing of garbage and refuse restricted.** (1) Public places. No person shall place any garbage and refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the director. Nor shall any person throw or deposit any garbage and refuse in any stream or other body of water in the city.

(2) Scattering of garbage and refuse. No person shall cast, place, sweep or deposit anywhere within the city any garbage and refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or unoccupied vacant lot or other public place, or into any occupied premises within the city. (1995 Code, § 17-204, as amended by Ord. #2019-010, May 2019)

**CHAPTER 3****SCHEDULE OF CHARGES AND COSTS****SECTION**

- 17-301. Charges for use of landfill.  
 17-302. Charges for garbage collection.  
 17-303. Increases in charges.  
 17-304. Fuel surcharges.  
 17-305. Failure to pay for garbage service.

**17-301. Charges for use of landfill.** (1) Any person, firm or corporation disposing of garbage and refuse as provided in § 17-106 of this code shall pay any and all fees to Allied/BFI, owner and operator of the former city-owned landfill. This charge shall not apply to any person, firm or corporation depositing garbage and refuse in the city landfill under a lawful contract with the City of Jackson.

(2) Any person, firm or corporation disposing of demolition material as provided in § 17-106 of this code shall pay any and all fees to Allied/BFI, owner and operator of the former city-owned landfill. This charge shall not apply to any person, firm or corporation depositing demolition material in the city landfill under a lawful contract with the City of Jackson. (Ord. #2006-031, Aug. 2006)

**17-302. Charges for garbage collection.** (1) For services rendered each private family, the following charges shall be made: residential collection-seventeen dollars and eighty-four cents (\$17.84) per month.

(2) For service rendered each commercial activity, business, industry, apartment, condominium and trailer courts, consisting of six (6) or more units the following charges shall be made:

(a) For commercial activities and industries where the use of containers is impracticable and hand-loading is required, the following charges based on volume will be paid:

1/2 CY	\$ 31.58
1 CY	\$ 63.13
1.5 CY	\$ 94.68
2 CY	\$ 126.30
2.5 CY	\$ 157.88
3.0 CY	\$ 182.60

(b) For commercial activities and industries using containers, the following charges based on volume will be paid:

SIZE	1X	2X	3X	4X	5X	6X	EXTRA
2YD	105.13	183.27	261.36	339.46	417.57	495.66	18.03
3YD	116.57	202.47	292.56	374.32	460.23	546.14	19.85
4YD	138.80	232.51	326.24	419.95	513.69	607.43	21.63
6YD	182.64	307.63	432.58	557.56	682.54	807.47	28.85
8YD	210.89	351.49	492.07	632.65	773.25	913.85	32.46
2YD CMP	621.39						
3YD CMP			564.21				
6YD CMP	648.51		1149.03		1726.21		
8YD CMP	719.41				2158.21		2877.61
						<u>ROLL OFF</u>	
		HAUL				RENT	
20YD OT			350.91				250.71
30YD OT			367.62				261.85
40YD OT			419.62				272.99
40YD CP			501.31				

A charge for four dollars (\$4.00) per customer per month will be paid to cover the cost of inspection and billing.

(3) The charges for garbage collection shall be subject to an annual cost-of-living increase based on the Consumer Price Index, as calculated by the Federal Bureau of Labor Statistics. The annual increase (or decrease) shall be rounded to the nearest one-tenth of a percent and shall be based on the CPI-U reported in July (for the twelve (12) month period ending in June) of each year. The effective date of the increase or decrease shall be the July service period.

(4) The city will review on a semi-annual basis any/all fuel surcharge initiated by the contracted hauler, Waste Management. The city reserves the right to pass on these charges to its customers in the form of a "fuel surcharge



adder," depending upon the significance and longevity of subject charges, if/when they are in fact incurred, and as approved by city council. (Ord. #2008-030, Oct. 2008, as replaced by Ord. #2012-007, June 2012)

**17-303. Increases in charges.** The charges for garbage collection shall be subject to an annual cost-of-living increase based on the Consumer Price Index, as calculated by the Federal Bureau of Labor Statistics. The annual increase (or decrease) shall be rounded to the nearest one-tenth of a percent (0.1%) and shall be based on the CPI-U reported in July (for the twelve (12) month period ending in June) of each year. The effective date of the increase or decrease shall be the October service period. (Ord. #2008-030, Oct. 2008)

**17-304. Fuel surcharges.** The city will review on a semi-annual basis any and all fuel surcharge initiated by the contracted hauler, Waste Management. The city reserves the right to pass on these charges to its customers in the form of a "fuel surcharge adder," depending upon the significance and longevity of subject charges, if/when they are in fact incurred, and as approved by city council. (Ord. #2008-030, Oct. 2008)

**17-305. Failure to pay for garbage service.** (1) Delinquent accounts. All accounts shall be considered delinquent if not paid within ten (10) days from the date of bill. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days from date of bill, the director shall cease all refuse collection for that account unless otherwise directed by the city council.

(2) Legal remedy. The stoppage of service herein before authorized for nonpayment of collection charges, shall be in addition to the right of the city to proceed for the collection of such unpaid charges. (1995 Code, § 17-303)