

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

1. MISCELLANEOUS.
2. CONTAINERS.
3. RESIDENTIAL COLLECTION.
4. NONRESIDENTIAL COLLECTION.
5. AUTOMATED COLLECTION PROGRAM.
6. SANITARY REFUSE DISPOSAL SITES.
7. COLLECTION AND DISPOSAL FEES.
8. LITTER/NUISANCES/OVERGROWN YARDS.

**CHAPTER 1****MISCELLANEOUS****SECTION**

- 17-101. Definitions.
- 17-102. Purpose.
- 17-103. Rules and regulations.
- 17-104. Business of landscaping, plant trimmings, etc.
- 17-105. Carrying material; trucking foreign material.
- 17-106. Decaying vegetables or fruits in railroad cars, etc.
- 17-107. Burning refuse on streets, etc.
- 17-108. Throwing refuse in vacant lots, etc.
- 17-109. Service fees.
- 17-110. Exclusive collection.
- 17-111. Unauthorized removal of material from garbage collection and recycling containers.

**17-101. Definitions.** For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given in this section:

(1) "Aircraft." Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter than air dirigibles and balloons.

(2) "Ashes." All residue resulting from the combustion of coal, coke, wood or any other material or substances in domestic, industrial or commercial stoves, furnaces or boilers.

(3) "Authorized residential containers." (a) For manual waste collection only - galvanized metal or plastic containers of substantial construction with a tight, rodent proof lid having a capacity of not less

than ten (10) gallons nor more than thirty (30) gallons and weighing no more than fifty (50) pounds when full.

(b) For automated waste collection only - 65 or 95 gallon universal rollout carts as provided or sold by the City of Johnson City.

(4) "Building material." Any material such as lumber, brick, block, carpet, stone, plaster, concrete, asphalt, roofing shingles, gutters, flooring, carpeting or other substances accumulated as the result of repairs or additions to existing buildings or structures, or as the result of construction of new buildings or structures.

(5) "Bulk container." A front-end loading, enclosed, metal, dumpster-type containers having a capacity of not less than four (4) cubic yards nor greater than eight (8) cubic yards. Such containers shall have the capacity, size and be the type as specifically authorized and approved by the director of the department of public works.

(6) "Cuttings." All tree limbs, trimmings, shrubbery, etc.

(7) "Establishment." An establishment shall include all structures, businesses, and/or units located on one common ground. The director of the department of public works shall determine the appropriateness of such definition on a case-by-case basis. The owner of the common ground shall maintain final responsibility for all fees, etc., for collection services provided under this chapter.

(8) "Garbage." Putrescible animal and vegetable waste, liquid or other waste resulting from the handling, processing, preparation, cooking and consumption of food, and all cans, bottles or other containers originally used for foodstuffs.

(9) "Garden refuse." All accumulations of plants, stems, roots, vegetables and fruits remaining after harvest.

(10) "Hazardous refuse." Any chemical, compound, mixture, substance or article, which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful.

(11) "Industrial waste." All wastes peculiar to industrial, manufacturing or processing plants.

(12) "Landscape debris." Any material such as dirt, soil, rock, mulch, timbers, cross ties, concrete blocks, pavers or other substances accumulated as a result of landscaping activity.

(13) "Litter." All garbage, refuse and trash and all other waste material which, if thrown, deposited or left unattended as prohibited in this chapter, tends to create a danger to public health, safety and welfare.

(14) "Newspaper." Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulations, any newspaper filed and recorded with any recording officer as provided by general law and any

periodical or current magazine regularly published with not less than (4) issues per year and sold to the public.

(15) "Nonresidential establishment." Any establishment except those defined under "residential establishment." Nonresidential establishments shall be divided into the following categories:

(a) Commercial. Restaurants, motels, hotels, private cemeteries, retail and wholesale business establishments and offices where a product is not manufactured;

(b) Educational facilities. All public schools and universities;

(c) Fraternal, social and professional clubs and organizations. Lodges, social clubs, labor unions, etc;

(d) Governmental. Local, state and federal governmental agencies;

(e) Industrial. All manufacturing and fabricating businesses;

(f) Multiple-family structures. Any apartment complex with four (4) or more units or any type of condominium under the Horizontal Property Act; any mobile home park with four (4) or more units and public housing;

(g) Private educational facilities. All nonpublic schools, colleges and universities;

(h) Professional. All hospitals, doctors' offices, animal hospitals, clinics, etc; and

(i) Religious. All churches, synagogues and church-operated or affiliated agencies.

(16) "Park." A park, reservation, playground, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(17) "Private premises." Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(18) "Producer." Either the person responsible for the ashes, garbage, refuse, trash, industrial waste and any other waste material or the occupant of the place or building in which such is produced or in which the person responsible for such has a place of business or residence.

(19) "Public place." Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(20) "Refuse." All perishable and nonperishable solid wastes (except body wastes) including garbage, trash, industrial waste, ashes, street cleanings, dead animals and abandoned automobiles.

(21) "Residential establishments." Single or multiple-family dwelling units up to and including apartment complexes, condominiums or trailer parks of three (3) or less units.

(22) "Sanitary refuse disposal site." Any site wherein solid waste is properly disposed of, including but not limited to landfills, public incinerator plants, publicly operated convenience centers, publicly operated transfer station sites, publicly operated recycling centers, and brush burner sites operated by the city.

(23) "Trash." Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, boxes, cloth, wrappings, crates, grass clippings, cuttings, leaves, glass and similar material. It shall not include bulky refuse, meaning stoves, refrigerators, water tanks, washing machines, furniture, automotive parts, tires, bedding, furnaces or similar bulky material weighing more than fifty (50) pounds and/or having a volume greater than thirty (30) gallons. Trash shall be divided into three (3) categories:

(a) Business trash. Any waste accumulations of dust, paper, cardboard, excelsior, rags or other accumulations other than garbage, household trash or industrial waste which are usually attendant to the operation of stores, offices and similar businesses;

(b) Household trash. Waste accumulations of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage which is usually attendant to housekeeping; and

(c) Yard trash. Cuttings, leaves, grass clippings, etc., resulting from normal maintenance and care of landscaped, manicured grounds and lawns, but does not include cuttings and leaves from that portion of grounds that have been left in its natural state without annual maintenance.

(24) "Vacant property." All parcels of land without any permanent dwelling or business structure or any parcels of land with a dwelling or business structure or any parcels of land with a dwelling or business structure that have remained vacant for a period of six (6) months without routine maintenance to that yard and grounds. This shall also include portions of grounds and/or yards left in their natural state. (Ord. #3985-03, March 2004)

**17-102. Purpose.** This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the citizens of Johnson City. (Ord. #3985-03, March 2004)

**17-103. Rules and regulations.** The director of the department of public works may make necessary or desirable rules and regulations that are not inconsistent with the provisions of this chapter in order to aid in its administration and in order to insure compliance and enforcement. (Ord. #3985-03, March 2004)

**17-104. Business of landscaping, plant or trimmings, etc.** No person shall perform any service for economic gain wherein trees or shrubbery are cut, trimmed, removed or altered and wherein an accumulation of brush, wood, vines, debris or other refuse attendant to landscaping is the result of such work or service without holding a valid license to do business in the city and without being equipped with a truck or other vehicle capable of removing said brush, wood, vines, debris or other refuse and said refuse shall be so removed by the person causing or creating its accumulation. (Ord. #3985-03, March 2004)

**17-105. Carrying material; trucking foreign material.** The owner, lessee or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, trash, or any material which, as a result of such a vehicle movement, may be likely to blow, fall or be scattered on or along city streets and alleys shall maintain such a vehicle in a secure condition and shall direct and supervise the loading of said vehicle in such a manner as to prevent any portion of such materials, products or substances from falling, blowing or being scattered on city streets or alleys. Nor shall garbage or other materials offensive to the sight or smell be removed or carried on or along the streets and alleys of the city except in trucks having watertight beds or boxes with proper cover. All vehicles transporting solid waste or other aforementioned material in public places shall be covered or tarped during transportation, and shall be secured to prevent such materials, products, or substances from blowing, falling, or scattering on city streets or other public places. No person shall drive or move any vehicle or truck within the city, the wheels and tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, "litter" or foreign matter of any kind. In addition to such other penalties as may be prescribed elsewhere herein, any person violating this section shall be liable for the cost of such clean-up measures as the director of the department of public works may deem reasonably necessary, which measures said director shall cause to be performed and shall bill to the aforesaid violator at a rate to be determined by the Board of Commissioners of the City of Johnson City. (Ord. #3985-03, March 2004)

**17-106. Decaying vegetables or fruits in railroad cars, etc.** It shall be unlawful for any person having possession and control of any decaying or damaged vegetables or fruits to permit the same to remain in any railroad car or elsewhere within the city for twelve (12) hours after such fruit and vegetables shall be found to be in a decaying or damaged condition. If any such vegetables or fruits are not removed immediately upon notice to a dumping area previously designated as such by the director of the public works, the chief of police shall have the same removed at the cost of the person having possession of the same, and shall bill said person for that service at a rate to be determined by the board of commissioners. (Ord. #3985-03, March 2004)

**17-107. Burning refuse on street, etc.** It shall be unlawful for any persons to burn, or cause to be burned, rubbish on any street, alley or highway. (Ord. #3985-03, March 2004)

**17-108. Throwing refuse in vacant lots, etc.** It shall be unlawful for any person to throw or deposit, or cause to be thrown or deposited, any refuse or waste material in or upon lots or in any yards, or on or upon any street, alley or other public place in the city. Such material may be thrown or placed upon lots, streets and alleys only under a permit issued by the city. (Ord. #3985-03, March 2004)

**17-109. Service fees.** The board of commissioners shall from time to time establish by resolution all garbage, trash, service and landfill fees and any permit fees applicable to any activity under the provisions of this chapter of the code. (Ord. #3985-03, March 2004)

**17-110. Exclusive collection.** It is hereby declared to be the exclusive right of the City of Johnson City to engage in the collection, removing, and disposal of refuse within the corporate limits of the city. It shall be unlawful for any person other than the city or its authorized contractor to engage in the business of collecting, removing, and disposing of refuse in the city, except those private collectors specifically authorized by the city. The city shall establish rules and regulations to be adopted by the board of commissioners to govern the activities of such private collectors. 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. (Ord. #3985-03, March 2004)

**17-111. Unauthorized removal of material from garbage collection and recycling containers.** (1) Any and all garbage, trash, refuse or other material, of whatever nature, placed in containers utilized by the city for the purpose of collecting garbage, trash, or refuse for the purpose of disposal or recycling shall be deemed to be abandoned property, and its removal from any of said containers by any person not authorized to carry out such removal by the city manager is hereby prohibited.

(2) Any person except the lawful owner of such material who removes such material from any of the aforesaid containers without authorization of the city manager shall be guilty of a misdemeanor. (Ord. #3985-03, March 2004)

## CHAPTER 2

### CONTAINERS

#### SECTION

- 17-201. Required; premises kept clean.
- 17-202. Unsatisfactory containers.
- 17-203. Proximity of other personal effects.
- 17-204. Residential containers; storage.
- 17-205. Nonresidential containers; storage.

**17-201. Required; premises kept clean.** (1) All persons within the city are required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse, except when stored as provided in this chapter.

(2) It shall be the duty of every person in possession, charge or control of any premises of a residential establishment and the keeper of or owner of any nonresidential establishment, where garbage or trash is created or accumulated, to keep or cause to be kept at all times containers, specified herein, for the deposit of garbage and trash generated on the premises. (Ord. #3985-03, March 2004)

**17-202. Unsatisfactory containers.** Containers used for the deposit of garbage, business trash and/or household trash shall be in such good condition that collection thereof shall not injure the person collecting the contents nor be unsuitable for the healthful and sanitary storage of refuse substances. The city is hereby authorized to confiscate or to remove unsatisfactory containers as determined by the director of public works from the premises of residential or nonresidential establishments that do not comply with the requirements of this article; provided, however, that the owners, or their agents or lessees, of such containers shall be duly notified of such impending action by five (5) days' notice in writing delivered to the premises on which the unsatisfactory container is located or affixed to such container deemed to be unsatisfactory. (Ord. #3985-03, March 2004)

**17-203. Proximity of other personal effects.** Garbage and trash shall not be stored in close proximity to other personal effects, which are not desired to be collected, but shall be reasonably separated in order that the collector can clearly distinguish between what is to be collected and what is not to be collected. Personal effects stored or placed within three (3) feet of a container or pile of trash shall be prima facie presumed to be garbage or trash. (Ord. #3985-03, March 2004)

**17-204. Residential containers; storage.** Lids or covers of authorized residential containers shall be kept tightly closed and watertight at all times

other than when refuse is being deposited therein or removed therefrom. Refuse may be stored for collection in the following manner:

(1) Ashes, garbage and household trash shall be stored in authorized residential containers. Furniture, appliances, and yard trash may also be separated from garbage and stored as trash.

(2) Small items of trash including household trash and grass clippings, small amounts of leaves and vines may be stored in heavy duty plastic bags, with no container exceeding fifty (50) pounds in weight when full.

(3) Leaves may be raked into piles and windrows at the curbside for collection, beginning in the fall, on a specific date established by the director of the department of public works and beginning again for a two week period in the spring, or as deemed appropriate by the city public works director. Prior to and after these dates, leaves shall be stored in the appropriate authorized residential container.

(4) Cuttings or brush, limbs and shrubbery shall be stored in neat piles. Each tree and shrubbery branch and limb shall be cut in lengths of not more than ten (10) feet and stumps, branches and limbs shall weigh no more than one hundred (100) pounds each.

(5) Items of trash too large to place in a container, with the exception of furniture and appliances shall be the responsibility of the producer and/or property owner to properly dispose.

(6) Appliances and certain other household items such as stoves, refrigerators, water tanks, washing machines, furniture, bedding and air conditioners, having a weight greater than fifty (50) pounds and/or a volume greater than thirty (30) gallons, shall be stored in a safe and secure place, and the domestic producer shall call the department of public works to notify them that the above items are ready for pickup. Collection of these items will be from curbside only. (Ord. #3985-03, March 2004)

**17-205. Nonresidential containers; storage.** Refuse produced by keepers and/or owners of nonresidential establishments shall be stored for collection in the following manner:

(1) A bulk container, as defined in § 17-101 shall be required for all nonresidential establishments producing garbage and/or trash. Such containers shall have the capacity sizes and be the type as specifically authorized and approved by the director of the department of public works. A need for more than the aforementioned number of eight (8) authorized residential containers may require at the discretion of the public works director that establishment to acquire an acceptable bulk container.

(2) The director of the department of public works may exempt nonresidential establishments from the use of bulk containers if the volume of garbage and trash does not justify such use and/or if no suitable site for a bulk container can be found. (Ord. #3985-03, March 2004)



## CHAPTER 3

### RESIDENTIAL COLLECTION

#### SECTION

17-301. Collection; frequency, placement, etc. - garbage.

17-302. Same - trash.

**17-301. Collection; frequency, placement, etc.—garbage.** (1) Ashes, garbage, household trash, and containerized "yard trash" shall be collected from each residential establishment at least once a week by the city. In the event of severe winter weather or other unforeseen disaster, collection may be suspended until the following week. The director of the department of public works shall prepare schedules for regular collection of refuse.

(2) Residential collection shall be made from curbside and approved city alleys at the exact location as determined by the director of public works. Where there is no approved alley or curbside, containers shall be located as indicated by the director of the department of public works. Alley collection service may be denied to residential establishments by the director of the department of public works, if such alley is not easily accessible to the city garage truck.

(3) If two (2) or more residential establishments are located on a private road and not within a reasonable distance of a public street or alley, as determined by the director of the department of public works, collection of refuse stored in authorized residential containers may be made along the private road only if the owners(s) provides written approval for city collection trucks to travel on the private road. The city shall not be liable for any damages done to the private road as a result of normal use for ingress and egress. If approval is not granted by all owners along private drive, said owners must place containers along a public street at a location determined by the director of public works.

(4) Domestic producers of ashes, garbage and household trash shall provide sufficient container space to hold one (1) week's accumulation of refuse not to exceed eight (8)-30 gallon authorized residential containers, or three (3)-95 gallon residential containers.

(5) Residential and recycling containers shall be placed at the appropriate location as described in subsection (2) above no later than 6:00 a.m. on the day of collection and removed from curbside on the same day, after collection has occurred.

(6) The director of public works shall determine the method of solid waste collection for residential establishments. (Ord. #3985-03, March 2004)

**17-302. Same - trash.** (1) Trash shall be collected from each residential establishment not more than once a week by the city and on a schedule developed by the director of the department of public works.

(2) Trash collection shall be made from curbside only. Where there is no curb, containers and/or refuse shall be located as indicated by the director of the department of public works.

(3) Leaves raked into piles and windrows for collection during the leaf season, as defined in § 17-204, shall be collected at curbside only. The placing of leaves in public streets gutters or over storm drains is prohibited. Collection of leaves, during the leaf season, shall be provided to each residential establishment at least once per month and more frequently, if possible. The director of the department of public works shall prepare schedules for leaf collection and shall notify domestic producers of such schedules.

(4) Certain household items and appliances such as stoves, refrigerators, water tanks, washing machines, dryers, furniture, mattresses, bedsprings and air conditioners shall be collected by the city on an "on call" basis as follows:

(a) The producer shall call the department of public works and shall request that such items be picked up prior to placing those items at curbside or any other location as directed by the director of the department of public works.

(b) A fee established by the board of commissioners may be charged for this service.

(5) Trash or any other refuse not stored and placed as provided in chapters 3 and 4 shall be removed from the premises by the producer or at his expense. The following items of refuse shall also be removed by the owner and/or producer or at his expense:

(a) Building material as defined in chapter 1, whether generated by a contractor or the owner or any other person;

(b) Garden refuse and landscape debris not placed in an authorized container as defined in chapter 1;

(c) Any refuse not resulting from the normal and routine maintenance of yard, grounds and residences, such as refuse removed from property after the owner was ordered to remove such refuse by the health inspector and any other authorized city officials;

(d) Automobile, truck, tractor and other vehicle tires and any other motor vehicle parts shall be disposed of by the owner or producer;

(e) Any trash pushed or pulled into piles by mechanical means shall be disposed of by the owner or producer;

(f) Any trash resulting from work performed by contractors or any other person for economic gain, whether such gain is in the form of cash or barter, shall be removed by the owner, occupant or producer except normal and routine yard trash generated by "yardworkers" shall be collected by in accordance with chapters 3 and 4. "Yardworkers" as used herein shall mean persons hired by citizens to perform routine lawn maintenance on a repetitive basis and does not include full-time employees or persons hired to do one-time tasks;

(g) Any other trash or refuse except certain household items and appliances defined in subsection (4) of this section, weighing in excess of fifty (50) pounds or having a volume of more than thirty (30) gallons shall be removed by the producer.

(6) The accumulation of not more than one (1) trailer load of cuttings nor one (1) truck load of yard trash shall be removed from any residential establishment by the city per scheduled pickup unless it is determined by the director of the department of public works to be in the best interest of the city for health, safety and welfare reasons to remove the entire accumulation.

(7) Refuse collection from vacant property located in residential areas will be limited to debris resulting from cleaning such property. "Cleaning" is defined as the removal of brush, leaves, litter and other refuse already lying on the ground. It also includes grass cuttings and small volumes of vines appropriately cut and stacked. Refuse resulting from the clearing of vacant property shall be removed by the owner or at their expense. "Clearing" is defined as the cutting or pruning of trees, grubbing, clearing of fence rows, demolition of structures, or grading and excavation of the property. (Ord. #3985-03, March 2004)

## CHAPTER 4

### NONRESIDENTIAL COLLECTION

#### SECTION

17-401. Garbage and trash collection; frequency, placement, etc.

17-402. Industrial waste.

17-403. Cardboard boxes, cartons.

17-404. Hazardous refuse.

**17-401. Garbage and trash collection; frequency, placement, etc.**

(1) Collection of refuse for nonresidential establishments shall be limited to garbage, household trash and business trash stored in authorized containers. Bulky items of trash, furniture, appliances, office machines, cuttings, and yard trash that cannot be placed in authorized containers will not be collected by the city and shall be removed by the owner or producer.

(2) Tenants, lessees, occupants or owners of nonresidential establishments shall provide a safe and convenient entrance to and through the premises for the purpose of collection refuse. The city shall not be liable for damage done to driveways, parking lots, utility wires and connections, or other properties, resulting from normal use for ingress and egress to collect refuse, unless caused by negligence on the part of the city or its employees.

(3) The director of public works shall determine the method of solid waste collection for each nonresidential establishment. (Ord. #3985-03, March 2004)

**17-402. Industrial waste.** The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant or producer. (Ord. #3985-03, March 2004)

**17-403. Cardboard boxes, cartons.** Prior to being deposited as refuse for collection in approved containers, all cardboard boxes, cartons and crates shall be completely collapsed. (Ord. #3985-03, March 2004)

**17-404. Hazardous refuse.** No hazardous refuse shall be placed in any receptacle, container or unit used for refuse collection by the city. The collection and disposal of such refuse shall be the responsibility of the owner, lessee, occupant or producer. (Ord. #3985-03, March 2004)

## CHAPTER 5

### AUTOMATED COLLECTION PROGRAM

#### SECTION

17-501. Providing of rollout refuse cart.

17-502. Location of rollout refuse cart.

17-503. Contents of rollout refuse cart.

17-504. Replacement carts.

**17-501. Providing of rollout refuse cart.** (1) Prior to June 30, 2004 one rollout refuse cart will be provided by the City of Johnson City at no cost to the following establishments:

(a) Single family residence

(b) Each unit of any multi-family structure using cans as of July 1, 2001

(c) Non-residential establishments using cans as of July 1, 2001 (one additional container may be provided at no cost if multiple containers were used prior to July 1, 2001)

(2) Multi-family and commercial establishments wishing to use roll-out carts after July 1, 2001 will be provided carts by the City of Johnson City only if required not to use a bulk container as specified in § 17-204.

(3) Additional carts may be purchased for a one-time fee as established by resolution of the board of commissioners.

(4) After June 30, 2004, the board of commissioners may establish by resolution an initial set-up fee for all new customers or non-residential customers eligible to switch services. (Ord. #3985-03, March 2004)

**17-502. Location of rollout refuse cart.** (1) The director of public works will designate the exact location of each cart to be collected. Carts must be located no greater than 3 ft. from edge of pavement or gutter unless specified otherwise by the director of public works.

(2) Carts must be 3 ft. from stationary objects such as mailboxes and utility poles. Carts shall not be located under any overhead obstacles, such as utility lines and canopies.

(3) Containers not placed in a manner as directed by the director of public works, such as the direction of container opening, location, etc. shall not be collected. (Ord. #3985-03, March 2004)

**17-503. Contents of rollout refuse cart.** (1) Cart must not contain hot ashes, liquids, paints, tires, red bags, animal carcass or parts, household hazardous waste or automobile parts.

(2) All animal waste must be double bagged prior to placing it in the cart.

(3) Total weight of cart and contents shall not exceed 250 pounds.

(4) Lid of cart must be in fully closed position to ensure collection. (Ord. #3985-03, March 2004)

**15-404. Collection of rollout refuse cart.** (1) Only those carts provided and sold by the City of Johnson City will be collected by the City of Johnson City.

(2) Any waste placed outside the cart, with the exception of furniture and appliances, will not be collected by the City of Johnson City.

(3) Carts that cannot be collected on regular collection day due to:

(a) Not being out at times of collection;

(b) Improper location;

(c) Not facing street properly;

(d) Overloaded;

(e) Unacceptable contents;

(f) Contents lodged or frozen in cart; or

(g) As otherwise determined by the director of public works to be in violation of the health, safety and welfare of the community or its employees,

will not be collected until the following collection week. It is the producer's responsibility to remove and dispose of any additional accumulation of waste in an approved manner. (Ord. #3985-03, March 2004)

**15-405. Replacement carts.** (1) Carts that are assigned to individual establishments remain the property of the City of Johnson City. Carts removed from such establishments will be considered stolen and appropriately processed through applicable courts of law.

(2) Any cart that is lost, stole or damaged by the user shall be replaced by that user at their cost.

Replacement of containers due to normal wear and tear shall be replaced by the user at a cost as determined from time to time by resolution of the board of commissioners. (Ord. #3985-03, March 2004)

## CHAPTER 6

### SANITARY REFUSE DISPOSAL SITES

#### SECTION

17-601. Designation.

17-602. City use.

17-603. Days and hours of operation.

17-604. Material disposal control, fees, rates.

**17-601. Designation.** The city manager may select and designate, subject to approval of the board of commissioners, suitable and proper sites or locations as and for sanitary refuse disposal sites for the city. (Ord. #3985-03, March 2004)

**17-602. City use.** Sanitary refuse disposal sites selected, designated and approved under § 17-601 shall be used by such persons or other entities as is expressly permitted by the board of commission. (Ord. #3985-03, March 2004)

**17-603. Days and hours of operation.** Any dumping of refuse in sanitary refuse disposal sites by individuals or private haulers shall be done at such times as may be designated by the board of commissioners. Such dumping shall be subject to the direction and control of, and at the specific places designated by, the attendant in charge at such sanitary refuse disposal sites. (Ord. #3985-03, March 2004)

**17-604. Material disposal control, fees, rates.** It shall be unlawful for any person to dispose of materials, waste materials, or refuse, not suitable for the applicable disposal site as determined by the board of commissioners. All federal and state rules and regulations concerning hazardous and special waste disposal processes shall be followed. Disposal fees, rates, and credits, if any, at the applicable disposal site(s), including transfer station sites and city operated recycling centers, shall be established by resolution of the board of commissioners. (Ord. #3985-03, March 2004)

## CHAPTER 7

### COLLECTION AND DISPOSAL FEES

#### SECTION

17-701. Schedule of fees, rates, credits, etc., for collection and disposal.

17-702. Billing of service fee.

17-703. Failure to pay service fee.

17-704. Responsibility for service fee.

**17-701. Schedule of fees, rates, credits, etc., for collection and disposal.** The board of commissioners shall establish by resolution a schedule of fees, rates, and/or credits for the following:

(1) The collection and disposal of all solid waste generated within the corporate limits of the City of Johnson City;

(2) The collection and disposal of all solid waste generated through any utility district or other entity controlled by the city; and

(3) Disposal of all solid waste in any city-owned or controlled sanitary refuse disposal site, transfer station, convenience center and/or recycling station or center. A copy of said schedule shall be kept in the city recorder's office for public inspection and the appropriate rates shall be conspicuously posted at all solid waste and disposal facilities. (Ord. #3985-03, March 2004)

**17-702. Billing of service fee.** The solid waste service fee for collection, removal, and disposal of refuse by the city shall be included as a separate item each month on the bills rendered by the city water and sewer system for water service to all city water customers, except those industrial, commercial and residential entities which utilize bulk container service may be billed separately by the city recorder's office. Said charges shall be rendered on the first water bill sent on and after September 1, 1991, and for each month thereafter. The accounts shall be paid monthly at the same time water bills are paid, except that bulk container accounts billed separately by the city recorder's office shall be due in fifteen days. (Ord. #3985-03, March 2004)

**17-703. Failure to pay service fee.** Water service shall be discontinued for failure to pay any solid waste collection or disposal fee, in accordance with the city's policy for discontinuation of water service for failure to pay bills for the same, as said policy may from time to time be amended.

Collection service for bulk container accounts shall be discontinued for failure to pay bills for the same, as said policy may from time to time be amended.

When service commences or ceases, applicable fees may be prorated. If water services shall be supplied to a location, the occupant or tenant of which has vacated said premises, and the city is satisfied that there has been a termination of the need for refuse collection, then the city, on application of the



owner or agent therefore, may suspend liability for such solid waste fees, and said fees shall be reinstated with the next water bill rendered to an occupant or tenant of the premises. (Ord. #3985-03, March 2004)

**17-703. Responsibility for service fee.** In case of premises containing more than one dwelling unit or place of business, and where each such unit or place of business is billed separately for water, such solid waste fees shall be billed to each person in possession, charge or control who is a water customer of the City of Johnson City Water and Sewer System. In the case of premises containing more than one dwelling unit or place of business which are served through a single water meter, so that the occupants or tenants cannot be billed separately, the customer responsible for the water bill shall be liable for the solid waste service fees for the premises. (Ord. #3985-03, March 2004)

## CHAPTER 8

### LITTER/NUISANCES/OVERGROWN PREMISES

#### SECTION

- 17-801. Nuisances--enumerated.
- 17-802. Public places.
- 17-803. Manner of placement in receptacles.
- 17-804. Sweeping, etc., litter into gutters, etc.
- 17-805. Duty to clean sidewalks.
- 17-806. Throwing litter from vehicles.
- 17-807. Parks.
- 17-808. Lakes and fountains.
- 17-809. Dropping litter, etc., from aircraft.
- 17-810. Occupied private property.
- 17-811. Reserved.
- 17-812. Vacant lots.
- 17-813. Abating nuisance.

**17-801. Nuisances--enumerated.** The following are hereby declared to be public nuisances, dangerous to the health, safety, and/or welfare of the public, and it shall be unlawful for any person to keep, erect, maintain, or allow same upon any premises:

- (1) Every pool, pond, privy, privy vault, cowpen, pigpen, stable or other place or enclosure within the city limits which shall become filthy and offensive;
- (2) Every pen or other enclosure in which swine are kept;
- (3) Every house or structure of any description which has fallen into decay or into heaps and piles;
- (4) Every waste or sewer pipe from any kitchen, bathroom, house or other premises, discharging into the street;
- (5) Every lot, premises or other enclosure on which filth, garbage, slops, manure, or other foul matter is thrown and allowed to accumulate so as to become offensive;
- (6) Any weeds of a height of more than twenty-four (24) inches above the surface of the ground to grow and stand upon the same. Weeds includes all rank vegetable growths which exhale unpleasant and noxious odors and/or growths that may conceal filthy deposits, vermin, litter, used metal cans, empty bottles, broken glass or any decaying vegetable or animal matter. (Ord. #3985-03, March 2004)

**17-802. Public places.** No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection or in permitted landfills. (Ord. #3985-03, March 2004)

**17-803. Manner of placement in receptacles.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. #3985-03, March 2004)

**17-804. Sweeping, etc., litter into gutters, etc.** No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. (Ord. #3985-03, March 2004)

**17-805. Duty to clean sidewalks.** Persons owning or occupying places of business within the city as well as owners of private property shall keep the sidewalk in front of their premises free of litter. (Ord. #3985-03, March 2004)

**17-806. Throwing litter from vehicles.** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property. (Ord. #3985-03, March 2004)

**17-807. Parks.** No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this chapter. (Ord. #3985-03, March 2004)

**17-808. Lakes and fountains.** No person shall throw or deposit litter into any fountain, pond, lake stream, bay or any other body of water in a park or elsewhere in the city. (Ord. #3985-03, March 2004)

**17-809. Dropping litter, etc., from aircraft.** No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (Ord. #3985-03, March 2004)

**17-810. Occupied private property.** (1) No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements, upon any street, sidewalk or other public place or upon any private property.

(2) The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. #3985-03, March 2004)

**17-811. Reserved.** (Ord. #3985-03, March 2004)

**17-812. Vacant lots.** No person shall throw or deposit litter on or upon any open or vacant private property within the city, whether owned by such person or not. (Ord. #3985-03, March 2004)

**17-813. Abating nuisance.** (1) Notice to remove. When in the opinion of the director of development services, or his or her designee, weeds, brush or any nuisance as defined in § 17-801, is determined to be located on open or any private property within the City of Johnson City, said director of development services or his or her designee may notify the owner of such property to properly abate such aforesaid nuisance located on said owner's property. Such notice shall be by certified mail, addressed to such owner at his or her last-known address. Such notice may also include placards posted on subject property, etc., and/or notice in nonlegal section of local newspaper.

(2) Non-compliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly abate the aforesaid nuisance within fifteen (15) days after receipt of written notice provided in subsection (1) above, or within thirty (30) days after the date of such notice in the event the same is returned to the city by the postal service because of its inability to make delivery thereof, the aforesaid director of development services may pay for the abatement of such nuisances or may order its abatement by the city.

(3) Charge included in tax bill. When the city has effected the abatement of the nuisance in accordance with the foregoing subsections or paid for its abatement, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the city, and such charge shall be due and payable by such owner at the time of payment of such bill.

(4) Lien. Where the full amount due the city is not paid by such owner within four (4) months after the abatement of such nuisance as provided for in the foregoing subsections, then the director of development services or his or her designee, shall cause to be recorded in the office of the register for the county, a sworn statement showing the cost and expense incurred for the work, the date that the work was done, and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected

in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty of ten percent (10%) in the event same is not paid in full on or before the tax bill upon which said charge appears become delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and the same is due and collectable as provided by law. (Ord. #3985-03, March 2004, as amended by Ord. #4517-13, Feb. 2014)