

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE AND TRASH DISPOSAL.

CHAPTER 1

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SECTION

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17-101. Refuse defined. "Refuse" shall mean and include garbage, rubbish and household refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, construction debris, concrete, bricks, hazardous materials as defined by state and federal law, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1996 Code, § 17-201)

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. (1996 Code, § 17-202)

17-103. Storage. Each owner, occupant or other person using or occupying any building or other premises, at their expense, within this town

¹Municipal code reference
Property maintenance regulations: title 13.

²Municipal code reference
Open burning: title 7.

where refuse accumulates or is likely to accumulate, for legal disposal of refuse, shall provide an adequate number of covered refuse containers. These refuse containers shall be strong, watertight and rodent proof. (1996 Code, § 17-203)

17-104. Location of containers. Where streets or alleys are utilized for private curb-side pickup of refuse, such must be placed so as not to intrude upon the travel portion of a street or alley for pickup by refuse collectors. Containers must be placed back of the street side, curb, ditch or street line and be so placed there only for regular scheduled pickup by refuse collectors. Within twenty-four (24) hours after such containers have been emptied, they shall be removed by the owner to within or to the side or rear of his or her premises away from the street line, until the next scheduled time for collection. (1996 Code, § 17-204)

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. (1996 Code, § 17-205)

17-106. Collection. All refuse accumulated shall be collected, conveyed and disposed of in a manner so as to create a sanitary condition without an unreasonable risk to health and safety of persons or property. (1996 Code, § 17-206)

17-107. Collection vehicles. The collection of refuse shall be by a 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 of the town. Furthermore, all refuse collection vehicles shall be equipped with industry-designed devices that will effectively prevent the scattering of refuse over streets or alleys. (1996 Code, § 17-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at site or sites, as may hereafter be designated for refuse disposal, or by pickup by a private refuse collector, is expressly prohibited. (1996 Code, § 17-208)

17-109. Enforcement. (1) Whenever the building inspector, codes enforcer, or city manager determines that there has been a violation of sections §§ 17-102--17-106 of this chapter or has grounds to believe that a violation has occurred, notice of same shall be given to the owner and to the occupant of the property to remedy the prohibited condition. Such notice shall:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.

(c) Include a statement of the violation or violations and why the notice is being issued.

(d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this section of the code.

(e) Inform the property owner or owner's authorized agent of the right to appeal the findings of the issuing officer to the municipal judge.

Such notice shall be deemed to be properly served if a copy thereof is delivered personally; sent by certified or first-class mail addressed to the last known address of the intended recipient; or if the notice is returned showing that the letter was not delivered, a by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

(2) In the event that the owner or occupant of the property shall fail or refuse to remedy the violation within the time prescribed within the aforesaid notice, then the building inspector, codes enforcer, or city manager may, in his or her discretion, issue a citation for same to municipal court or to a hearing before the administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001, *et seq.* as adopted locally in the Town of Kingston Springs Municipal Code, or may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation.

(3) Without limitation of any other remedy available to the town in law or equity, any violations of §§ 17-107 and 17-108 of this chapter may be subject to immediate issuance of a citation for same to municipal court or to a hearing before the administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001, *et seq.* as adopted locally in the Town of Kingston Springs Municipal Code. Such citation may be issued by any official or other officer authorized to issue same. (Ord. #2013, Nov. 2020)

17-110. Violations and penalty. Any person, firm, corporation, tenant, occupant or agent who shall violate a provision of chapter 2 of this title or fail to comply therewith or with any of the requirements thereof or cause such action to be taken in violation of the provisions of chapter 2 of this title shall be prosecuted and may be penalized pursuant to the general penalty clause of the Town of Kingston Springs Municipal Code of Ordinances. Each day that violation continues after due notice has been served shall be deemed a separate offense regardless of whether an additional notice, order, or citation has been issued. Additionally, violators may in the discretion of the Town be subject to fines and penalties to be imposed by the administrative hearing officer pursuant to *Tennessee Code Annotated*, § 6-54-1001 *et seq.* as adopted locally in the Town of Kingston Springs Municipal Code or may be subject to injunctive remedies in state or federal court as appropriate. (Ord. #2013, Nov. 2020)