

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.
2. RESIDENTIAL YARD WASTE, APPLIANCES AND OTHER DEBRIS.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Residential service defined.
- 17-103. Non-residential cart service defined.
- 17-104. Service required.
- 17-105. Premises to be kept clean.
- 17-106. Storage.
- 17-107. Placement for collection.
- 17-108. Disturbing containers.
- 17-109. Timing of collection.
- 17-110. Collection vehicles.
- 17-111. Wrongful disposal.
- 17-112. Refuse collection service charges.
- 17-113. Tires.
- 17-114. Contractor generated refuse and trash.
- 17-115. Only same-site generated refuse.

17-101. Refuse defined. Refuse shall mean and include garbage, and 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. (1981 Code, § 8-201, as replaced by Ord. #2015-13, Sept. 2015)

17-102. Residential service defined. Residential property is defined as any housing unit providing single family occupancy up to and including five units with each unit requiring separate service from the city. All other property shall be defined as non-residential for the purpose of this title. (1981 Code, § 8-202, as replaced by Ord. #2015-13, Sept. 2015)

¹Municipal code reference

Property maintenance regulations: title 13.

17-103. Non-residential cart service defined. Non-residential cart service is available for any non-residential entity, such as a church or business, which only produces a small amount of refuse on a weekly basis. Any such entity that can limit itself to one (1) cart may receive such service. This service only provides for collection of what is placed in the cart. Carts not placed curbside will not be collected. (1981 Code, § 8-203, modified, as replaced by Ord. #2011-11, Dec. 2011, Ord. #2015-13, Sept. 2015, Ord. #2018-6, June 2018, and Ord. #2018-15, Nov. 2018 *Ch16_6-29-20*)

17-104. Service required. All residential properties with active electrical service must have service from the city, and all occupied non-residential properties must have service from a licensed private contractor or the city. The account activation service charge established in § 18-108 of title 18 of this code shall apply to accounts without water and/or sewer service and shall be deposited in the sanitation fund. Vacant property without current service may not place refuse or trash for disposal without prearrangement with the city. Such arrangement requires payment in advance at the rate of one hundred dollars (\$100.00) per truckload or any part thereof. (1981 Code, § 8-204, modified, as replaced by Ord. #2011-11, Dec. 2011, amended by 2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015, and Ord. #2019-24, Dec. 2019 *Ch16_6-29-20*)

17-105. 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 title. (1981 Code, § 8-205, as replaced by Ord. #2015-13, Sept. 2015)

17-106. Storage. (1) Duty to have containers. It shall be the duty of every person in possession, charge or control of any premises where solid waste is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. Only containers issued by the city shall be used for residential collection service or non-residential cart service provided by the city. It shall be incumbent upon every person in possession, charge or control of any premises to which a cart has been issued to insure the security of such cart from the perils of theft and damage. The cost of damage or loss occurring to a cart as a result of a failure to adequately secure it shall be borne by the person in possession, charge or control of the premises who shall also be responsible for reporting any damage or loss of the cart to staff at city hall as soon as the damage or loss is realized. The cost of damage to the cart caused by fire shall be borne by the person in possession, charge or control of the premises, without regard to the time or location of the cart when such damage occurs.

(2) Container requirements. Lids or covers of all garbage containers shall be kept tightly closed at all times other than when solid waste is being

deposited therein or removed therefrom. Containers used for the deposit of solid waste for collection by the city shall be in good condition so that the collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly reported to staff at city hall for replacement or repair.

(3) Fifty-five gallon drums prohibited. Fifty-five (55) gallon drums are specifically prohibited from use as containers for solid waste.

(4) Cleanliness. It shall be the duty of both the person in possession, charge or control of any premises, as well as the owner of the premises, to comply with the provisions of this subsection regarding the cleanliness of the premises and keeping containers properly closed. (1981 Code, § 8-206, as amended by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-107. Placement for collection. By 7:00 A.M. on the scheduled collection day for city provided sanitation service, the refuse cart(s) shall be placed curbside in front of the house; on the grassy area between curbside and the sidewalk; or at the end of the driveway, at the resident's discretion, for collection, unless public works has designated an alley behind the property for collection. If, in those cases where curbside protrudes into the street and becomes a hazard to traffic, public works will inform the resident and containers must be placed on the grassy area between curbside and the sidewalk. In such case the refuse container shall be placed curbside at the alley. Curbside is defined as the side of a street bordered by a curb. Physically disabled service may be obtained by sending a letter addressed to city hall requesting a waiver for curbside pickup. The city reserves the right to require a statement from a physician to document the need for a waiver.

Properties within residential service (excluding non-residential cart service) may place up to two (2) additional bags of garbage on or beside their city provided cart on an occasional basis. Properties that the city determines to regularly have two (2) or more extra bags shall be required to have an additional cart(s).

Refuse carts may be placed curbside no earlier than 2:00 P.M. on the day before the scheduled collection day. As soon as practical after such carts have been emptied and no later than 8:00 P.M. on collection day, they shall be removed by the owner to within, or to the rear of, his premises and away from the street line. Penally for failure to comply with the time limitations of the cart being removed from curbside shall be a fifty dollar (\$50.00) fine with each day being a separate offense. (1981 Code, § 8-207, as replaced by Ord. #2015-13, Sept. 2015, as replaced by Ord. #2019-8, April 2019 *Ch16_6-29-20*)

17-108. 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 ordinance shall not be construed to prohibit

the use of public refuse containers for their intended purpose. (1981 Code, § 8-208, as replaced by Ord. #2015-13, Sept. 2015)

17-109. Timing of collection. Collections shall be made regularly in accordance with an announced schedule, and, as applicable, in accordance with the provisions and requirements of chapter 2 of this title.(1981 Code, § 8-209, as amended by Ord. #1998-14, July 1998; Ord. #2001-11, June 2001; Ord. #2001-16, Dec. 2001; Ord. #2005-11, June 2005; Ord. #2011-04, June 2011, and Ord. #2011-11, June 2012, Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-110. 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. (1981 Code, § 8-210, as replaced by Ord. #2011-11, June 2012, and Ord. #2015-13, Sept. 2015)

17-111. Wrongful 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. #2001-16, Dec. 2001, as replaced by Ord. #2015-13, Sept. 2015)

17-112. Refuse collection service charges. (1) (a) There is hereby imposed a monthly service charge of twenty three dollars (\$23.00) on each residential dwelling unit and thirty dollars (\$30.00) on each non-residential cart service customer for the collection of refuse. This charge is imposed for the maintenance and improvement of the general public health and sanitation. City staff may calculate the prorated amount for partial monthly service.

(b) Residential locations, excluding non-residential cart service, may lease additional refuse carts for three dollars (\$3.00) each per month in addition to the normal monthly rate. The customer may request to add, delete or change this service level once during the city's fiscal year. Residential locations may be required to lease additional containers if they regularly have more than two extra trash bags placed for collection.

(2) The penalties established under § 18-116 or title 18 of this code for late payment or city service fees shall also apply to refuse collection service charges.

(3) Used home appliances may be picked up following the payment in advance of a service charge of fifty dollars (\$50.00) per appliance. Tags indicating this payment has been made may be obtained at city hall. These tags must be placed on the appliance before the pickup will be made.

(4) The owner of a rental property shall be charged one hundred dollars (\$100.00) per truckload or any part thereof for removal of refuse following an eviction or tenant leaving a property.

(5) Customers with non-residential cart service as defined in § 17-103 and customers placing excess yard waste and other debris curbside as defined in § 17-208(2) shall be charged one hundred dollars (\$100.00) per truckload or any part thereof for removal of yard waste and other debris. (as added by Ord. #2011-11, June 2012, replaced by Ord. #2015-13, Sept. 2015, and Ord. #2018-6, June 2018, and amended by Ord. #2018-15, Nov. 2018 **Ch16_6-29-20**, and Ord. #2019-24, Dec. 2019 **Ch16_6-29-20**)

17-113. Tires. All individuals, property owners and occupants shall be responsible for the storage and/or disposal of used tires in compliance with applicable federal and state laws related to disposal. (as added by Ord. #2011-11, June 2012, as replaced by Ord. #2015-13, Sept. 2015)

17-114. Contractor generated refuse and trash. Any customer who hires a third party to perform work on a property shall require the third party contractor to remove all refuse and trash, including yard waste, from the property on completion of the work. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-115. Only same-site generated refuse. All refuse, including yard waste, appliances and other debris placed at a customer's curbside must be generated from the same property where it is placed for collection by the city. No person shall transport refuse, including yard waste, appliances or debris of any kind from one (1) location to another for the purpose of having it picked up by the city, and it shall be a violation of this title to transport refuse, including yard waste, appliances or other debris to a site other than the property on which it was produced for pickup and disposal by the city. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

CHAPTER 2

RESIDENTIAL YARD WASTE, APPLIANCES AND OTHER DEBRIS

SECTION

17-201. City collection of yard waste, appliance and other debris.

17-202. Definition of yard waste.

17-203. Definition of other debris.

17-204. Grass clippings.

17-205. Tree limbs.

17-206. Leaves.

17-207. Placement for pickup.

17-208. Limit on quantity and size per pickup.

17-209. Unlawful acts/penalty.

17-201. City collection of yard waste, appliance and other debris.

All property receiving city sanitation service, as defined in §§ 17-102 and 17-103, within the City of Millington is eligible to receive city collection and disposal service for yard waste, appliances and other debris, subject to compliance with chapter 1 and chapter 2 of this title. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-202. Definition of yard waste.

As used in this chapter, "yard waste" means and includes grass clippings, tree limbs, leaves, brush, weeds, landscape pruning, garden plants and other natural materials. Yard waste does not include tree trunks or portions thereof that are larger than the size described in § 17-208 or construction/contractor-related materials such as dirt, concrete, brick, and large amounts of carpet or roofing materials. The city will not provide collection and disposal service for any items defined in the preceding sentence. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-203. Definition of other debris.

For purposes of this chapter, "other debris" means and includes wood-type construction materials such as two by four (2 x 4) fencing and other similar materials. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-204. Grass clippings.

Grass clippings will be collected by the city only if they are placed in the city provided cart or bagged in closed and tied bags weighing less than forty (40) pounds each, placed at curbside and subject to the total curbside requirements of § 17-208. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-205. Tree limbs.

(1) A property owner who hires a third party contractor to cut or trim trees must require the contractor to promptly haul

away the tree limbs or hire another contractor to promptly haul away and dispose of such trees within two (2) weeks.

(2) The city will haul away and dispose of customer removed trees and limbs from customer property, but only if all of the following conditions are met:

(a) Each piece of any tree may not exceed either six feet (6') in length and twelve inches (12") in width or diameter or four feet (4') in length and twenty four inches (24") in width or diameter; and

(b) The total curbside requirements of § 17-208 are met. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-206. Leaves. The city may offer loose leaf collections with conditions or require bagged leaves for collection.

(1) Bagged leaf collection – provided at any time at no additional cost. Customers desiring leaves to be collected shall either place the leaves in their city provided cart or in closed and tied bags weighing less than forty (40) pounds each, placed at curbside and subject to the total curbside requirements of § 17-208.

(2) Conditions for loose leaf collection. (a) The city shall advertise the dates of loose leaf collection as determined annually by the city manager. The dates shall begin not earlier than November 1, and end not later than March 15. Loose leaves will not be picked up at any other time of year except during this period.

(b) Loose leaves for collection may be placed near the street but shall not be placed in the street, in drainage ditches or on sidewalks. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-207. Placement for pickup. (1) At the option of the customer, appliances, yard waste and other debris, including bags of grass clippings and bags of leaves, shall be placed at curbside or on the grassy strip between curbside and the sidewalk. Items must be placed away from structures such as mail boxes, fire hydrants, power poles, etc. to allow space for the equipment to operate. Curbside is as defined in § 17-107. If, at any time, placement on curbside is determined to be unsafe by public works, coordination will be effected with the resident for alternative placement. If there are no curbs or sidewalks, placement will be in the yard next to the street. For properties with a drainage ditch bordering the edge of the pavement, if possible, place debris behind the ditch up to a maximum of ten feet (10') from the edge of the pavement. If this is not possible, contact public works for a suitable drop off location.

(2) No yard waste, appliance or other debris shall be placed in a location or in a manner where it will block the view of a motorist.

(3) No yard waste shall be placed on the sidewalk, street or in a drainage ditch or gutter, which would interfere with stormwater runoff under

federal, state, or local regulations. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)

17-208. Limit on quantity and size per pickup. In order to make collection of yard waste and other debris regular, efficient, and fair to all customers, it is necessary to limit the amount eligible to be picked up at each location each week. The amount of yard waste and other debris that will be picked up at any single location each week shall not be more than the equivalent of one (1) heaping pickup truck load, approximately six (6) cubic yards. Unless waived by the city manager in times of emergency, any customer who has more than six (6) cubic yards of yard waste at any time may:

(1) Keep the yard waste in excess of six (6) cubic yards in his/her rear yards until the following week, at which time it may be put at curbside for pick-up; or

(2) When yard waste exceeds six (6) cubic yards, place all waste at the street and be billed in accordance with rates in § 17-112; or

(3) Hire a private contractor to dispose of the yard waste. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015, and Ord. #2018-15, Nov. 2018 *Ch16_6-29-20*)

17-209. Unlawful acts/penalty. (1) It shall be unlawful for any person to leave yard waste, appliances, trees or parts of trees, or other debris for pick-up by the city or private contractor, except in accordance with this chapter.

(2) It shall be unlawful to place any yard waste, trash, trees, appliances, or other debris on the paved surface of any street.

(3) There shall be a penalty of up to fifty dollars (\$50.00) for conviction of violation of this chapter. Each day that a violation of this chapter continues after notice of violation is delivered by the city shall constitute a separate violation. (as added by Ord. #2015-6, May 2015, and replaced by Ord. #2015-13, Sept. 2015)