

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Declaration of necessity.
- 17-102. Definitions.
- 17-103. Container regulations.
- 17-104. Removal of unsatisfactory containers.
- 17-105. Agreement required for collection of refuse, etc.; fee.
- 17-106. Regulations governing collection vehicles.
- 17-107. Site and method of disposal generally.
- 17-108. Disposal by producers of refuse, etc.
- 17-109. Authority of city to collect or contract for collection.
- 17-110. Compliance by outside collectors.
- 17-111. Littering, dumping, or rummaging prohibited.
- 17-112. Declaration and abatement of public nuisances.
- 17-113. Violations and penalty.

17-101. Declaration of necessity. The accumulation of refuse and the littering, scattering, throwing, or depositing of rubbish, garbage, trash, circulars, handbills, and other waste substances or refuse on the premises of private residences and on lots and in the streets, roads, and alleys of the City of Oak Hill, Tennessee, is declared to be obnoxious, unsanitary, and unsightly, and greatly increases the danger of spread of infectious, contagious, and epidemic diseases, and it is necessary for the preservation of health, safety, sanitation, and public welfare that proper regulations be adopted to require property owners, tenants, occupants, and lessees and handlers of garbage, trash, and refuse to provide for the collection, handling, and disposal of such matter. (2011 Code, § 17-101)

17-102. Definitions. (1) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all private residences and public and private establishments.

(2) "Collector." The term "collector" shall mean any person, firm, or corporation that collects, handles, transports, or disposes of any refuse, garbage, rubbish, ashes, or litter within the corporate limits of Oak Hill.

(3) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals from all private residences and public and private establishments.

(4) "Health officer." The term "health officer," in the absence of a specifically appointed or designated health officer for the city, shall mean city manager, or his authorized agent or representative. The collection of refuse shall be under the jurisdiction of such officer.

(5) "Litter." The term "litter" shall include refuse, rubbish, garbage, ashes, trash, debris, waste paper or materials, filth, weeds, leaves, grass, bottles, boxes, circulars, handbills, advertisements and any other waste, rejected or worthless matter or materials of any kind or character.

(6) "Refuse." The term "refuse" shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling of produce, and other similar unwanted materials, but shall not include sewage or body wastes from residences and establishments both public and private.

(7) "Rubbish." The term "rubbish" is nonputrescible waste (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. (2011 Code, § 17-102)

17-103. Container regulations. Each owner, occupant, tenant, subtenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the City of Oak Hill where refuse, garbage, ashes, rubbish, and litter, as defined in this chapter, accumulates or is likely to accumulate shall provide an adequate number of suitable containers of a type approved by the Health Officer of Oak Hill for the storage of such refuse, etc.

Such containers shall be constructed of strong and durable materials, not readily corrodible, insect-proof, of a capacity not exceeding ninety-six (96) gallons, except that the maximum capacity shall not apply in cases where collectors are equipped to handle containers of similar construction mechanically.

Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight-fitting lids or covers constructed of the same material [and] of such design as to preclude the free access of flies and other insects and to prevent the container from collecting water during rains.

The lid or cover shall be kept in place at all times except when refuse, etc., is being deposited therein or removed therefrom.

Wet garbage or refuse must be drained of all liquids. Containers shall be maintained in a clean and sanitary manner so as to prevent the breeding of flies and occurrence of offensive odors. (2011 Code, § 17-103, modified)

17-104. Removal of unsatisfactory containers. The health officer is authorized to confiscate or to have removed unsatisfactory storage containers from the premises of residences and establishments, public and private, when such containers are not suitable for the healthful and sanitary storage of refuse, etc. However, the owner or user of such container shall be notified of such action prior to the removal of such containers. (2011 Code, § 17-104)

17-105. Agreement required for collection of refuse, etc.; fee. No person, firm, or corporation shall engage in the business of collecting refuse, garbage, ashes, rubbish, litter, or other waste materials, or remove the contents of any refuse container for any purpose whatsoever, who does not have an agreement to do so from the health officer. (2011 Code, § 17-105, modified)

17-106. Regulations governing collection vehicles. The collection of refuse, garbage, rubbish, etc., shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse, garbage, etc., onto the streets, alleys, and public thoroughfares.

Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares by effective coverings of closed truck beds.

Such vehicles shall be operated so as to prevent offensive odors escaping therefrom and refuse, garbage, litter, etc., being blown, dropped, or spilled. (2011 Code, § 17-106)

17-107. Site and method of disposal generally. The disposal of refuse, garbage, rubbish, or litter in any quantity by any individual or establishment, public or private, other than [at] the site or sites designated by the health officer is expressly prohibited.

All disposal of refuse, garbage, litter, etc., shall be by methods approved by the Health Officer of Oak Hill and the Metro Public Health Department of Nashville and Davidson County, and provided such methods shall include the maximum practical, rodent, insect, and nuisance control at the place of disposal. (2011 Code, § 17-107, modified)

17-108. Disposal by producers of refuse, etc. This chapter shall not prohibit the actual producers of refuse, garbage, trash, litter, etc., or the owners of premises upon which such has accumulated, from personally collecting, conveying, and disposing of same, provided such producers or owners shall first apply to the Health Officer of Oak Hill for a permit granting them the right to do so. Such application shall be in writing and contain an agreement by the applicant to comply with the requirements of this chapter concerning containers, methods of conveyance and point of disposal. (2011 Code, § 17-108)

17-109. Authority of city to collect or contract for collection.

(1) The City of Oak Hill may at any time, through a resolution adopted by the board of commissioners, declare the privilege of collecting, handling, disposing, and removing of refuse, garbage, rubbish, and litter within said city to be the exclusive right and privilege of the City of Oak Hill, in which event the board of commissioners, through the city manager, shall be empowered to secure suitable trucks and other equipment for the collection and removal of garbage, refuse, etc., for the city, or shall after taking bids have the right to enter into contracts with private persons to collect such garbage, refuse, etc., within the city.

If a contract is entered into with one (1) or more suitable entities/persons for the collection, removal, and disposal of garbage and recycling, the city shall require such contractor to give a good and sufficient bond in such form and amount as the board of commissioners shall designate, conditioned for the faithful performance of such contract.

(2) Sanitation fee for collection of garbage, refuse, rubbish, solid waste, and recycling. The city shall charge for and collect a sanitation fee for the collection of garbage, refuse, rubbish, solid waste, and recycling. The sanitation fee is hereby assessed against each owner, occupant, or other responsible person occupying any building, house, home, structure, apartment, or dwelling unit located in the City of Oak Hill. The sanitation fee on all properties located within the city may be amended from time to time by the board of commissioners as it deems necessary by amending this section.

(a) No person shall permit rubbish, trash, garbage or other debris to remain on their property when, by so doing, same becomes a nuisance or hazard to other citizens of the city.

(b) No person shall deposit any garbage or other debris on the property of others.

(c) Garbage shall be collected once a week according to a collection schedule established by the contractor, which schedule shall provide for routine pick up as well as holiday schedules.

(d) Preparation of garbage:

(i) All garbage shall be placed in black or white garbage bags.

(ii) All garbage shall be thoroughly drained of all liquids.

(iii) All sharp objects shall be blunted.

(iv) All garbage bags shall be available for pickup no later than 5:00 A.M.

(e) Preparation of recycling materials:

(i) All recycling materials except cardboard shall be placed in blue or clear bags.

(ii) Recycled items include: newsprint, cardboard, tin cans, aluminum cans, steel cans, plastic containers number 1 - 5 and 7.

(iii) All recycling shall be available for pickup no later than 5:00 A.M.

(f) Back door service: All single-family residential properties will have their respective garbage and recycling picked up at their back door.

(g) Second day pick up fee: Any household that desires to have their garbage and/or recycling picked up a second time each week may sign up for this service through the contractor.

(i) Once a week pick up service for garbage is limited to six (6) thirty (30) gallon bags.

(ii) Soft and hard yard waste excluded: no residential waste hauler duly licensed by the city hereunder shall be required to collect and dispose of hard yard waste (tree and shrub branches and trimmings) or soft yard waste (grass clippings, leaves, prunings of small diameter, green stemmed shrubs, and plant stalks).

(h) Hazardous waste: The applicable state regulations shall govern the removal and disposal of all hazardous waste.

(i) Construction debris: The removal of construction debris shall be the responsibility of the owner of the premises and the person or building contractor performing the construction work.

(j) White goods (appliances) will be picked up on a case by case basis for a fee of fifty dollars (\$50.00) per item. The resident is responsible to pay this fee to the contractor prior to collection.

(k) Furniture and mattresses will be picked up on a case by case basis for a fee of twenty-five dollars (\$25.00) per item. The resident is responsible to pay this fee to the contractor prior to collection.

(3) Billing rates, penalties and discounts established. (a) The first day of the month for that month.

(b) Assistance program: Any household unable to pay the month fee may apply with the city for payment assistance.

(c) Penalty established: A penalty of ten percent (10%) will be added to statements if not paid by the due date.

(d) Payment discount established:

(i) Annual discount - A payment discount of ten percent (10%) will be applied to all customers that pay their garbage/recycling service annually in advance of rates established: Garbage/recycling rates for a calendar month for garbage and recycling collection shall be twenty-five dollars (\$25.00) per month due by service. (Monthly fee \$25.00 X 12 months = \$300.00 annual fees* 10% payment discount = \$30.00 discount = \$270.00 total annual fee if paid in advance.)

(ii) Quarterly discount - A payment discount of five percent (5%) will be applied to all customers that pay for their garbage/recycling service quarterly in advance of service.

(iii) (Monthly fee \$25.00 X 3 months = \$75.00 quarterly fees* 5% payment discount = \$3.75 discount = \$71.25 total quarterly fee if paid in advance.)

(e) Electronic payments: The city will offer online electronic payments as an option.

(4) Violations and remedies. (a) Violations:

(i) Improper garbage preparation

(ii) Improper garbage packaging

(iii) Interference with garbage collection

(iv) Accumulation of garbage

(v) Improper disposal of electronic or hazardous waste

(b) Remedies and penalties:

(i) Upon discovery of a violation outlined in this chapter, the city, by any duly authorized agent, shall serve or cause to be served a notice of violation upon the owner or occupant of any premises on which there is a violation and shall demand that the violation be remedied, including removal of any garbage collected, disposed of, or stored in violation of this section, within seventy-two (72) hours of the notice.

(ii) In the event any violation is not completely abated within seventy-two (72) hours, the city may proceed to abate the violation, including removal of the garbage. The owner shall be responsible for all costs of such abatement including all legal and administrative fees. The minimum charge for such abatement shall be one hundred dollars (\$100.00). Neither the city or any of its agents shall be liable for any damage to property that results in the enforcement of this section.

(iii) In addition to the above remedies, any person found to have committed a violation shall be fined fifty dollars (\$50.00). Each day a violation continues shall be considered a separate violation.

(iv) The remedies and penalties provide for in this section are in addition to and are not exclusive of any other remedies or penalties available under law or equity.

(c) Throwing and dumping waste prohibited: No person shall throw, dump, or deposit any waste in any street, or on public property in the city. No person shall cast or leave exposed any waste in or about any private premises or on any lot, street, or about any storm sewer in the city.

(d) Burning and burying of certain waste prohibited: No person shall burn or bury any waste in the city except that leaves and trees,

shrubs, and brush trimmings may be burned by residential owners or lessees thereof subject to the requirements of Metro Nashville/Davidson County.

- (e) Discontinue garbage service for failure to remit payment:
 - (i) Applicability. This chapter is based on the metropolitan government utility cut-off procedure
 - (ii) Notice; service discontinuance. The city shall not discontinue garbage and recycling service to a user for nonpayment until the following has occurred:
 - (A) A notice has been mailed to the user stating that service shall be discontinued unless payment is made with a specified time; and
 - (B) A reasonable, good faith effort is made to notify the user by a city representative in person that services shall be discontinued on a date certain. Placing a telephone call or sending electronic mail by the city representative constitutes a reasonable good faith effort; provided, however, that the city representative need not place a telephone call or send electronic mail to any residence where service has been discontinued within the previous four (4) years.
 - (iii) After such notification procedures have been taken and a user does not make payment of the arrearage or make payment arrangements acceptable to the city, then service to such user may be discontinued. (2011 Code, § 17-109, as replaced by Ord. #O-19-09-01-40, Sept. 2019 *Ch1_11-10-20*, and Ord. #O-19-11-02-40, Nov. 2019 *Ch1_11-10-20*)

17-110. Compliance by outside collectors. This chapter shall not prohibit collectors of refuse, garbage, trash, litter, etc., collected outside of the city from hauling such over the streets and roads of Oak Hill, provided such collectors comply with this chapter, and especially the provisions relating to the hauling of refuse, garbage, etc., in containers and vehicles of an approved type under the provisions of this chapter. (2011 Code, § 17-110)

17-111. Littering, dumping, or rummaging prohibited. No person, whether in or upon a vehicle, or on foot, shall cast, toss, place, drop, throw, sweep, or deposit anywhere within the City of Oak Hill any refuse, garbage, trash, ashes, rubbish, or litter in such a manner that it may be carried or deposited by the elements upon any road, street, sidewalk, sewer, drainage ditch, parkway, or other public place, or into any occupied premises within the city.

No driver of any vehicle upon any road, street, alley, or other public place in Oak Hill shall permit to drop or fall from such vehicle onto such road, street,

alley, or other public place, and permit to remain there any refuse, garbage, rubbish, or litter.

No person shall in any road, street, alley, or other public way rummage in or through refuse, garbage, rubbish, or litter of any kind, or interfere with any receptacle containing such. (2011 Code, § 17-111)

17-112. Declaration and abatement of public nuisances. Any dwelling or other place or structure in the City of Oak Hill about which refuse, garbage, rubbish, ashes, or litter accumulates, which is not provided with refuse collection service, is hereby declared to be a public nuisance dangerous to the public health, safety, convenience, and welfare and may be abated in the same manner as other public nuisances are abated. (2011 Code, § 17-112)

17-113. Violations and penalty. Any person, firm, or corporation who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice issued by the Health Officer of Oak Hill under the provisions of this chapter, shall be guilty of a misdemeanor and shall be fined the maximum amount allowed by law per day for each offense. (2011 Code, § 17-113, modified)