

**TITLE 17****REFUSE AND TRASH DISPOSAL<sup>1</sup>****CHAPTER**

1. REFUSE.
2. HAZARDOUS WASTES AND SUBSTANCES.

**CHAPTER 1****REFUSE****SECTION**

- 17-101. Definitions.
- 17-102. Promises to be kept clean.
- 17-103. Collection of refuse.
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- 17-109. Prohibited substances and practices.
- 17-110. Violations.

**17-101. Definitions.** When used in this chapter the following words shall have the following designated meanings:

(1) The word "garbage" shall mean and include the organic wastes of animal, fish, fruit, or vegetable matter arising from or attending the storage, dealing in, preparation, or cooking of food for human consumption from houses, kitchens, hotels, restaurants, stores, markets, and commission houses.

(2) The word "rubbish" shall mean and include ashes, clinkers, cans, bottles, paper, boxes, weeds, leaves, grass, broken crockery, and similar household trash, and any other kind of trash or waste material except and excluding garbage, trees, severed shrubbery, tree limbs, and debris from home construction, repairs and alterations.

(3) The word "refuse" shall mean and include garbage and rubbish as defined in subsections (1) and (2) above.

(4) The word "person" shall mean and include any person, persons, firms, or corporations. (1971 Code, § 8-101)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

**17-102. Premises to be kept clean.** All persons owning, occupying and/or controlling premises, or operating businesses within the corporate limits are hereby required to keep their premises in a clean and sanitary condition, free from accumulation of garbage, rubbish, fallen trees, severed shrubbery, tree limbs, and other debris. (1971 Code, § 8-102)

**17-103. Collection of refuse.** All persons are hereby required to accumulate and store such garbage, rubbish, trees, severed shrubbery, tree limbs and other debris as provided in this chapter, particularly § 17-104(5), between intervals of collection, which intervals of collection shall not be longer than once each week. Residential curbside collection of brush and other bulky waste in accordance with § 17-104(5) shall occur on a twice monthly schedule. Charges and/or fees for the provision of such services may be adopted and revised by the Alcoa City Commission. (1971 Code, § 8-103, as amended by Ord. #955, Sept. 1994, and Ord. #00-020, July 2000)

**17-104. Storage, location, and disposal of refuse.** Every tenant, lessee, or occupant of any private dwelling house or residence, and every occupant of every flat or apartment house and every keeper of every hotel, restaurant, eating house, boarding house, or other place where meals are furnished, and the tenant, lessee or occupant of any store, market, service station, garage, or commission house, and every other person having garbage, rubbish, or miscellaneous debris, shall provide and maintain in good order and repair a receptacle or receptacles for the receipt of garbage, rubbish and other debris, and all such waste accumulations shall be kept therein.

Separate receptacles shall be furnished and maintained, and the accumulation of garbage, rubbish, and other debris shall be handled in the following manner:

(1) Wheeled carts having a nominal capacity of ninety (90) gallons will be issued by the city to all residences and businesses. Such carts will remain the property of the city. Routine maintenance and replacement of the carts will be the city's responsibility; the customer shall be responsible for cleaning and general care of the cart. Such carts shall be for used for the disposal of household/office waste only. A maximum of three (3) carts may be provided a business customer. Issued carts shall be placed curbside by 7:00 A.M. of the customer's designated collection day and removed from curbside by 7:00 P.M. of the same day. Any damage to the cart that is the result of abuse, misuse, neglect, etc. by the customer shall be the customer's responsibility.

(2) In the event the accumulation of garbage or refuse by any individual business exceeds the capacity of the receptacles noted in paragraph (1), the customer will be required to furnish a covered dumpster box which shall be compatible with city equipment and maintained in a manner and at a location approved by the city. In the event any operator of a business, individually or in conjunction with others in close proximity, wishes to furnish

a covered dumpster box which shall be compatible with city equipment, it shall be permissible under this chapter for the same to be furnished in lieu of the rubbish receptacles above mentioned at a place designated by the city. Dumpster boxes shall not be used for the disposal of construction debris or any other waste material that may interfere with the operation of the city's collection equipment.

(3) In the event any customer shall have an accumulation of garbage or rubbish in excess of the amount which may be contained in one each of the receptacles hereinabove described for the period between their designated collections, such customer shall furnish a sufficient number of receptacles to contain the accumulation of his or its garbage or rubbish between their designated collection days.

(4) The keeper of a hotel, restaurant, eating house, boarding house, or other place where foods and/or meals are prepared shall be required to furnish a separate receptacle for the accumulation of grease, oils, and other similar wastes as may be needed. Such receptacles shall be maintained and serviced separate from this chapter.

(5) Yard waste and other bulk rubbish. (a) Placement for collection. In the event any person subject to this chapter shall have an accumulation of tree trimmings, tree limbs, brush, severed shrubbery, discarded furniture or appliances, or other such rubbish or bulky items, he or it shall be permitted to place the same at a place adjacent to a street or public alley at the front, rear, or side of their property. Accumulation of such items shall be easily accessible to and within reach of the city's sanitation equipment, shall not be placed beneath overhead utility lines, or placed behind a parked automobile or other obstruction. The accumulation of such material shall not damage, obstruct the access to, or reduce the effectiveness of any utility meter, utility valve, fire hydrant, utility pole, catch basin, drainage way, storm sewer, or other such item. Except for the placement of tree trimmings, tree limbs, and brush, it shall be unlawful to place bulky waste items curbside/street side earlier than the Friday prior to the scheduled week of service.

(b) Separation and accumulation of refuse. As a minimum, bulky items shall be separated into individual piles for:

- (i) Brush and other trimmings;
- (ii) Leaves;
- (iii) White goods (e.g., refrigerators, clothes dryers), wire and metals; and

(iv) All other items. Further separation of materials may be required to accommodate the city's solid waste reduction and recycling programs. Brush shall be neatly stacked, in lengths of not more than six feet, butt ends pointed in the same direction, with smaller trimmings stacked on top of larger ones. The city may require discarded refrigerated appliances be purged of freon.

All items shall be prepared in accordance with any and all federal, state, and local regulations related to their disposal. Items weighing in excess of two hundred pounds may not be collected. Except during designated leaf collection seasons, all leaves must be contained in tightly closed bags. Smaller items, glass, and other material not easily handled by the city's sanitation equipment shall be bagged or placed in boxes. Grass clippings from residences may be disposed of by either being

- (1) Contained in a tightly closed bag and placed curbside/street side for collection with bulky waste or
- (2) Placed in an approved solid waste container. Grass clippings shall not be loosely placed curbside/street side for collection.

(c) The city will not be responsible for the collection and disposal of construction waste, bulk rubbish, brush, or any other forms of solid waste generated or produced by contractors, tree trimmers, or persons engaged in work for profit or personal gain.

(6) The receptacles hereinabove provided for shall be placed and maintained on the premises of the persons subject to this chapter at a location approved by the city that is safely and easily accessible by its employees and/or collection equipment.

(7) The city division of refuse disposal will not make collection of garbage, rubbish, or other debris mentioned in this chapter where the same is not prepared for collection and placed as designated by the terms of this chapter, nor will such division collect debris from construction, repairs, or alterations, or from clearing of lots or property, or from the activities of any tree trimmer for hire.

(8) In the preparation and accumulation of garbage, it shall be the duty of all persons subject to this chapter to wrap the same before depositing it in the garbage container. (1971 Code, § 8-104, as amended by Ord. #953, Aug. 1994; Ord. #00-020, July 2000; and Ord. #04-005, Jan. 2004)

**17-105. Unauthorized or condemned refuse receptacles.** In the event city garbage collectors shall find in use receptacles not meeting the specifications hereinabove set out in § 17-104, the owner of said receptacle shall be notified that the same has been condemned and it shall be the duty thereafter for the owner of such condemned receptacle to replace/repair the same before the next regular garbage collection day. (1971 Code, § 8-105, as amended by Ord. #00-020, July 2000)

**17-106. Unauthorized disposal of refuse.** The disposal of refuse, garbage, or other debris in any quantity by an individual, householder, establishment, firm, corporation in any place, public or private, other than the

site or sites designated by the city is expressly prohibited. The disposal of refuse, garbage, or other debris in any receptacle or at any location within the city by any individual or entity other than

- (1) The resident or
- (2) Owner/proprietor of a business (in which case such solid waste shall be a result of on-premises processes and/or operations) is expressly prohibited. (1971 Code, § 8-106, as amended by Ord. #00-020, July 2000)

**17-107. Burning of refuse.** It shall be unlawful for any person to burn garbage, rubbish or trash within the city limits.<sup>1</sup> (1971 Code, § 8-107, modified)

**17-108. Collection vehicles.** No person, firm, or corporation shall drive or cause to be driven any truck or other vehicle within the city limits upon any public street or way unless such vehicle is so constructed, loaded, or covered as to prevent any load, contents or litter from being blown, spilled or deposited upon any street, alley or other public place. (1971 Code, § 8-108)

**17-109. Prohibited substances and practices.** (1) The following substances are hereby prohibited and shall not be deposited in approved containers serviced by the city garbage collection equipment:

- (a) Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.
- (b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.
- (c) Hot materials such as ashes, cinders, etc.
- (d) Human or animal waste shall be prohibited being placed in garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.
- (e) Infectious wastes as classified by the following:
  - (i) Isolation Wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U. S. Centers for Disease Control Guidelines for Isolation Precautions in Hospitals. (July 1983).
  - (ii) Cultures and stocks of infectious agents and associated biologicals cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
  - (iii) Human Blood and Blood Products - Waste human blood and blood products such as serum, plasma, and other blood components.
  - (iv) Pathological Wastes - Pathological wastes, such as tissue, organs, body parts, and body fluids that are removed during surgery and autopsy.
  - (v) Discarded Sharps - All discarded sharps (e.g. hypodermic needles, syringes, pastuer pipettes, broken glass,

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<sup>1</sup>Municipal code reference

Fire protection and fireworks: title 7.

scalpel blades) used in patient care, medical research or industrial laboratories.

(vi) Contaminated Animal Carcasses, Body Parts, and Bedding - Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals or in the in vitro testing of pharmaceuticals.

(vii) Wastes from patients known to be infected with blood-borne disease:

Contaminated wastes from surgery and autopsy (e.g., soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable gloves, lab coats, aprons).

Wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposal equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and lab coats.

Discarded equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents.

(f) Any waste not approved for disposal at the local landfill.

(2) The following practice is prohibited and it shall be unlawful for: Any person, other than the occupant/user, to move, remove, upset, scatter, tamper with, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container. (1971 Code, § 8-109, as amended by Ord. #00-020, July 2000)

**17-110. Violations.** (1) Any person or entity violating any of the provisions of this chapter, except § 17-109(e), shall be notified by the city of the violation and provided no more than forty eight (48) hours for the satisfactory correction thereof (unless otherwise specified hereinabove).

(2) Any person who shall continue any violation beyond the time provided for in subsection (1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(4) Any person violating § 17-109(e) of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a 3 days' time limit for the satisfactory correction thereof. If a correction has not

been made within the specified time limit, such person shall be in violation of this chapter and may (1) be charged and tried in city court for such violation and punished under the general penalty clause of this code, or (2) the State of Tennessee Division of Solid Waste may be notified and requested to assume the responsibility for the enforcement of applicable state statutes involving such violation or violations. (1971 Code, § 8-110, as amended by Ord. #00-020, July 2000)

## CHAPTER 2

### HAZARDOUS WASTES AND SUBSTANCES

#### SECTION

- 17-201. Definitions.
- 17-202. Disposal of hazardous wastes.
- 17-203. Exemptions.
- 17-204. Inspections.
- 17-205. Right of entry.
- 17-206. Penalties.
- 17-207. Injunctive relief.

**17-201. Definitions.** for the purposes of this chapter, the following words and phrases shall have the following meaning:

(1) "Hazardous substance" - means any substance, combination of substances or mixtures defined as a "hazardous substance in 40 CFR, Chapter 1, Part 116 which is not specifically excluded under this chapter of the Alcoa Municipal Code.

(2) "Hazardous waste" - means any substance, combination of substances or mixtures defined as "hazardous waste" in 40 CFR, Chapter 1, Part 261, Subpart A, Section 261.3 which is not specifically excluded under Section 261.4(b) under said title or this chapter of the Alcoa Municipal Code. The provisions of 40 Part 261, Subpart A, Section 261.2, 261.3 and 261.4 and corresponding sections of Subparts C and D and appendices cited therein, which defined, described, and identify hazardous waste are hereby incorporated by reference into this section and made a part hereof the same as if each were set forth fully herein. All subsequent amendments to said provisions of Subparts C and D and appendices cited therein which define, describe, and identify hazardous waste, and the sections of Subpart B specifically delineated herein, automatically become a part of this section as of the effective date of each amendment, subject to the provision of this section. Hazardous wastes do not include chemical substances or mixtures listed in Part I (A) (6) or any radioactive material.

(3) "Person" - means any natural or legally created artificial person including any individual, corporation, partnership, or association. "Person" includes any individual partnership, association, corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarder, as those terms are used in Interstate Commerce Act, as amended.

(4) "Hazardous substance disposal site" - means any chemical waste landfill or incinerator used to dispose of hazardous substances.

(5) "Radioactive material" - means any material or combination of materials, in which spontaneously emits ionizing radiation. Materials in which

the estimated specific activity is not greater than 0.002 microcuries per gram of material, and which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials. (1971 Code, § 8-701)

**17-202. Disposal of hazardous wastes.** (1) No person shall knowingly discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake or pond, water course or ditch, into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substances within the corporate limits of the City of Alcoa.

(2) No person shall knowingly cause any other persons by contract or otherwise to discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer, or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Alcoa.

(3) No person shall negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course, or ditch, or into any pit or excavation, or into or atop of any aquifer, any hazardous waste and/or hazardous substance within the corporate limits of the City of Alcoa. (1971 Code, § 8-702)

**17-203. Exemptions.** (1) The provisions of this chapter shall not apply to the storage or disposal of hazardous waste and hazardous substances in any hazardous substance disposal site that is in compliance with applicable standards of either the United States Environmental Protection Agency or the Tennessee Department of Health.

(2) A person may petition the city commission or its designee for an exemption from the requirements of this chapter, and the city commission or its designee may grant in writing an exemption, whether not precluded by state or federal law, if it finds that:

(a) Unreasonable risk of injury to health or environment would not result; and

(b) The best interest of the city would be served by granting an exemption.

(3) Any hazardous substance (e.g. herbicide, pesticide) being used in accordance with manufacturer's recommendations. (1971 Code, § 8-703)

**17-204. Inspections.** The fire chief, fire marshal, or his designated representative, any law enforcement officer, or building, housing or zoning inspector shall have the authority to inspect all structures or premises, as often as may be necessary for the purposes of ascertaining or causing to be corrected, any condition which may be a violation of this chapter, or otherwise enforcing any of the provisions of this chapter. (1971 Code, § 8-704)

**17-205. Right of entry.** Whenever necessary for the purpose of enforcing the provisions of this chapter, or whenever the fire chief, fire marshal, or his designated representative, any law enforcement officer, or any building, housing or zoning inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition(s) which constitutes a violation of this chapter, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry. (1971 Code, § 8-705)

**17-206. Penalties.** (1) Any person who knowingly or negligently violates any of the provisions of this chapter shall be subject to a civil penalty of \$50.00 for each such violation.

(2) If any violation of the provisions of this chapter is a continuing one, each day of such violation shall constitute a separate offense.

(3) The city attorney shall have the authority to commence an action in a court of competent jurisdiction to enforce the penalty provisions of this section. (1971 Code, § 8-706)

**17-207. Injunctive relief.** Violation of the provisions of this chapter shall constitute a public nuisance. The city attorney shall have the authority to commence any action in a court of competent jurisdiction to enjoin the actions of any person who violates any of the provisions of this chapter. (1971 Code, § 8-707)