

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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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. (1979 Code, § 8-201)

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. (1979 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the Town of Cumberland Gap where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons. Containers shall be lined with a suitable garbage bag. Furthermore,

¹Municipal code reference

Property maintenance regulations: title 13.

the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (1979 Code, § 8-203, as replaced by Ord. #16-2015, Dec. 2015)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the town refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the town for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1979 Code, § 8-204)

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. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1979 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1979 Code, § 8-206)

17-107. 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. (1979 Code, § 8-207)

17-108. 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 alderman is expressly prohibited. (1979 Code, § 8-208, as amended by Ord. #16-2015, Dec. 2015))

17-109. Refuse collection and/or disposal service charges.

(1) Residential garbage service user fees. (a) Fees established, definition, collection rules and regulations.

(i) There is hereby established a residential or small business garbage service user fee to be charged to and collected

from each household in the Town of Cumberland Gap, Tennessee on a monthly basis.

(ii) Household is defined, for the purpose of this section, as all residential living units within the Town of Cumberland Gap, whether occupied or not, to which garbage and refuse pick up service is furnished by the Town of Cumberland Gap, and available for use, whether utilized or not, and for which pick up service is not otherwise required to be provided as a commercial unit (or apartment development in excess of six (6) units.)

(iii) "Small commercial" is a small business having no larger volume of waste than can be picked up weekly with maximum containers waste as follows: three (3) thirty-two (32) gallon cans, or five (5) household sized plastic sanitary bags (commonly thirty (30) gallon bags) each pickup.

"Large commercial" is a commercial business or establishment whose refuse weekly exceeds three (3) thirty-two (32) gallon cans, or five (5) household sized plastic sanitary bags (commonly thirty (30) gallon bags). Each "large commercial" producer shall have its solid wastes collected at least one (1) time per week by the vendor of their choosing and make arrangements for additional collections as needed.

(iv) All residential and small commercial garbage service user fee shall be established according to a schedule approved by the board of mayor and alderman.

(v) The town recorder is authorized and directed to institute collection mechanisms, rules, and regulations and means as shall be deemed by the town recorder to be efficient, appropriate and expedient to effect collections.

(b) Penalty for non-payment. (i) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Bill is due the 20th of each month.

(ii) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate five dollar (\$5.00) civil fine for non payment.

(2) Furniture, large appliances and other household items.

(a) Furniture and large appliances will be collected and removed from resident's property by the town on an on-call basis. The resident shall call the town hall to request that such items be picked up. However, the town shall not accept any refrigerator or freezer unless the door has been removed from such appliance. Furniture and large appliances shall be placed on the resident's property adjacent to an alley or at the curbside. These items should only be put out after the town has been contacted and payment has been made. Construction debris and

contractor waste will not be picked up by the town. This section applies only to residences. Nonresidential producers shall be responsible for disposing of such items at their own expense.

(b) The board of mayor and aldermen hereby establish a fee of eleven dollars and fifty cents (\$11.50) for the collection of the various items authorized by this section. (as added by Ord. #10-2003, Oct. 2003, and amended by Ord. #3-2005, June 2005, Ord. #4-2006, Oct. 2006, Ord. #3-2010, May 2010, Ord. #16-2015, Dec. 2015, and Ord. #4-2022, July 2022 *Ch9_12-05-22*)

17-110. Violation and penalty. Violations of any section of this chapter shall subject the offender to a penalty under the general provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #16-2015, Dec. 2015)