

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

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17-101. Title. This chapter shall be known and may be cited as the "Municipal Refuse Collection Service Ordinance of the City of Hohenwald, Tennessee." (1982 Code, § 8-201)

17-102. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and

¹Municipal code reference

Property maintenance regulations: title 13.

words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Ashes" are the residue from the burning of wood, coal, coke, or other combustible materials.

(2) "City" is the City of Hohenwald, Tennessee.

(3) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(5) "Refuse" is all putrescible and nonputrescible solid wastes (except body waste), including garbage, rubbish, ashes, market and industrial wastes.

(6) "Rubbish" is nonputrescible wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. (1982 Code, § 8-202)

17-103. Collection by city; exceptions. All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city. No person except the city shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city.

Exception for actual producers: This chapter shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and any other governing law or ordinances. (1982 Code, § 8-203)

17-104. Collection regulations. All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city under the supervision of the mayor. The mayor shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided such regulations are not contrary to the provisions hereof.

Any person aggrieved by a regulation of the mayor shall have the right of appeal to the city council, who shall have the authority to confirm, modify, or revoke any such regulation. (1982 Code, § 8-204)

17-105. Precollection practices. (1) Separation. Garbage, ashes, and rubbish shall be placed and maintained in separate containers.

(2) Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquid and may be wrapped in paper.

(3) Rubbish. All rubbish shall be drained of liquid before being deposited for collection. (1982 Code, § 8-205)

17-106. Tree trimmings and hedge clippings. Tree trimmings and hedge clippings shall be considered rubbish for collection purposes and may be collected, hauled or disposed of by city employees and equipment of the sanitation department. Furthermore, it shall be unlawful for any person to place on the public streets or other public property any tree trimmings or hedge clippings. (Ord. #504, Aug. 1995)

17-107. Refuse containers. (1) Duty to provide and maintain in sanitary condition. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defects liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The mayor shall have the authority to refuse collection service for failure to comply with this provision.

(2) Garbage containers. Garbage containers shall be made of metal or plastic, equipped with suitable handles and tight fitting covers, and shall be water tight or lined with a plastic bag.

Garbage containers shall have a capacity of not more than twenty-four (24) gallons. Garbage containers shall be of a type approved by the health officer and shall be kept clean, neat, and sanitary at all times.

(3) Ash containers. Ash containers shall be made of metal and have capacity of not more than five (5) gallons.

(4) Rubbish containers. Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight that can be handled by one (1) man. (1982 Code, § 8-207)

17-108. Storing of refuse. No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the mayor. Nor shall any person throw or deposit any refuse in any stream or other body of water. (1982 Code, § 8-208)

17-109. Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after notice to do so shall be a misdemeanor. (1982 Code, § 8-209)

17-110. Scattering of refuse. No person shall cast, place, sweep, or deposit anywhere in the city any refuse in such a manner that it may be carried or deposited by the elements upon the streets, sidewalks, alleys, parkways, or other public places, or into any occupied premises within the city. (1982 Code, § 8-210)

17-111. Points of collection. Refuse containers shall be placed for collection at ground level on the property and be accessible to and not more than twenty feet (20') from the side of the street or alley from which collection is made, provided that containers may be placed for collection at other than ground level at a distance of more than twenty feet (20') when approved by the mayor and an additional payment for the extra service is agreed upon by both parties. (1982 Code, § 8-211)

17-112. Frequency of collection. (1) Residential. Refuse accumulated by residences shall be collected at least once a week.

(2) Commercial. Hotels, restaurants, and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the mayor shall have the authority to require that more frequent collections be made. (1982 Code, § 8-212)

17-113. Limitations on quantity. (1) Residential. A reasonable accumulation of refuse of each family, during a collection period, will be collected for a standard charge.

(2) Commercial. The city shall collect a reasonable accumulation of refuse of hotels, restaurants, and other businesses and institutions during the collection period at a charge based upon the average weight or volume. The mayor shall have the authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts. (1982 Code, § 8-213)

17-114. Special refuse problems. (1) Contagious disease refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious disease has prevailed should be performed under the supervision and direction of the city health officer. Such refuse shall not be placed in containers for regular collection.

(2) Inflammable or explosive refuse. Highly inflammable or explosive material shall not be placed in containers for regular collection but shall be disposed of as directed by the mayor at the expense of the owner or possessor thereof. (1982 Code, § 8-214)

17-115. Collection by actual producers and outside collectors.

(1) Requirements for vehicles. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, and collectors of refuse from outside the city who desire to haul over the streets of the city shall use a water tight vehicle provided with a tight cover so as to prevent offensive odors escaping therefrom and refuse from being blown, dropped, or spilled.

(2) Disposal. Disposal of refuse under this section shall be made outside the city limits, unless otherwise specifically authorized by the mayor. The mayor shall have the authority to permit the disposal of such materials on the city landfill.

(3) Rules and regulations. The mayor shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of refuse over city streets by outside collectors as he shall find necessary, subject to the right of appeal as set forth in § 17-104. (1982 Code, § 8-215)

17-116. Refuse property of the city. Ownership of refuse material set out for collection or deposited on the city landfill shall be vested in the city. (1982 Code, § 8-216)

17-117. Fees. (1) Industrial fees. Charges for collection of industrial waste collected by the City of Hohenwald shall be based on city cost of collecting and disposing of same.

(2) Residential fees. Fees charged for residential refuse collection shall be set by appropriate resolution or ordinance of the city council,¹ which fee shall be billed with water and sewer fees. No residence which is within reach of a city garbage collection center shall receive water, sewer, or gas service without receiving garbage service.

(3) Commercial fees. Fees for hotels, restaurants, institutions, and all businesses shall be based upon the average amount of refuse material and the frequency of collection and shall be fixed by the mayor, subject to the right of appeal to the city council.

(4) Other than ground level; more than twenty feet. Where the collection of refuse other than from ground level or from more than twenty feet (20') from the side of the street or alley is accepted by the mayor, the fee shall be that of subsection (2) above plus a fee set by the mayor, subject to appeal to the city council, which shall be deemed by him to cover the cost of the extra service rendered. (1982 Code, § 8-217)

17-118. Delinquent accounts. All accounts shall be delinquent if not paid by the 10th day of the month. Upon failure to pay all gas, water, sewer, and garbage collection bills by the 10th day of the month, in full, after notice and hearing all of such services shall be immediately terminated if the customer is at fault. None of such services shall be reinstated or furnished until all delinquent bills due by such resident, for any location, are fully paid, together with a reasonable charge for the restoration of such services.

¹Administrative ordinances and resolutions are available in the recorder's office.

The stoppage of service hereinabove authorized for non-payment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim. (1982 Code, § 8-218)

17-119. Premises to be kept clean. Every owner or tenant of property shall keep his property in a clean and sanitary condition, free from accumulations of refuse which might provide a harborage or breeding place for rodents and other vermin and insects. It shall be unlawful for any person to fail to comply with the written order of the city recorder or chief of police to clean up his premises within five (5) days when such officer finds that the premises are being maintained in violation of this section.

When any property owner or tenant fails to comply with the order of the city recorder or chief of police to clean up his property, the city may do or have the work done and charge the violator for the reasonable costs thereof. The city may maintain any appropriate legal action to collect such costs. (1982 Code, § 8-219)