

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. SOLID WASTE COLLECTION AND DISPOSAL

#### CHAPTER 1

### SOLID WASTE COLLECTION AND DISPOSAL<sup>2</sup>

#### SECTION

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**17-101. Definitions.** (1) "Solid waste" shall be interpreted to mean all non-liquid or non-semi-liquid materials which no longer serves a useful purpose and is to be discarded, to include but not restricted to garbage, but which specifically excludes human waste, sewage, sludge or other by-products from wastewater treatment facilities.

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<sup>1</sup>Municipal code reference  
Property maintenance regulations: title 13.

<sup>2</sup>Charter reference  
Disposal of garbage, etc.: § 1.04(k).

(2) "Garbage" shall be interpreted to mean all putrescible wastes, except sewage and body wastes, including discarded particles of food and meat, vegetable and animal offal, kitchen wastes in general, and tin cans, bottles, paper and other containers, paper, or any other materials that contain or have attached thereto any residue of milk, soft drinks, food, or other putrescible wastes, but excluding industrial wastes and by-products.

(3) "Dead animals" shall be interpreted to mean the carcasses of fowls and animals no larger than a dog. Livestock and horses shall not be included within the meaning of this term.

(4) "Industrial wastes" shall be interpreted to mean the waste and by-products of manufacturing and processing establishments.

(5) "Construction debris" shall be interpreted to mean discarded materials incident to and resulting from construction or repair of buildings, and the clearing of new construction, such as, but not limited to, rock, brick, metal, wood, glass, trees, brush, and vegetation, when such materials are in greater quantity than can be placed in one container.

(6) "Refuse" shall be interpreted to mean all other wastes, such as tin cans, metal, stone, brick, wood, glass, bottles, paper, cordage, ashes, household rubbish, tree limbs, brush, leaves, lawn trimmings, weeds, flowers, other vegetation, and any other non-classified trash or discarded materials.

(7) "Garbage container" for residential or small business use shall be interpreted to mean a water-tight can of solid and durable material of not more than 32 gallon capacity, equipped with lifting handles, and having a tight-fitting lid with a handle.

(8) "Commercial container," commonly referred to as "dumpsters," shall be interpreted to mean any large capacity metal container supplied by the town or its agents for the collection of waste from business, commercial or industrial customers.

(9) "Plastic garbage bag" shall be interpreted to mean all garbage bags manufactured of plastic, 1.5 mil thickness, or thicker, and having a capacity of not more than fifty (50) gallons, and having a total filled weight of not more than seventy five (75) pounds.

(10) "Person" shall be interpreted to mean any natural person, firm, company, agency, governmental entity, partnership, or corporation.

(11) "Town" shall be interpreted to mean the Town of Huntingdon, Tennessee, or its duly authorized agents.

(12) "Department" shall be interpreted to mean the Department of Public Works of the Town of Huntingdon, or its successor agency or activity.

(13) "Contractor" shall be interpreted to mean any private firm with which the town has entered into a formal contract for the collection of solid waste for the town. (1978 Code, § 8-201).

**17-102. Authorizations.** (1) Authority. The authority for the town to provide for the collection and disposal of garbage, rubbish and refuse (i.e. solid

waste); to provide for the imposition and collection of charges to cover the cost of such services, and to provide for means of collection of such charges, to include penalty and interest for delinquency, is contained in § 1.04(k), corporate powers, of the charter of the town.

(2) Contracted services. On February 25th, 1987, the town contracted with Refuse Systems, Inc., (RSI), of Corinth, Mississippi, to provide all residential, commercial and industrial solid waste collection in and for the Town of Huntingdon for disposal in the Town's sanitary landfill. On March 23rd, 1990, said contract was renewed for a term to expire March 31st, 1993. RSI, therefore, shall be the contractor who acts as the town's agent for said collections. Technically, all solid waste customers, either residential, commercial or industrial, are customers of RSI and the collection fees are established thereby; however, the Department of Finance and Administration of the town shall handle the billing process. (1978 Code, § 8-202)

**17-103. Preparation of solid waste for collection.** Solid waste to be collected by the town or the contractor shall be prepared as follows:

(1) Residential waste. Residential garbage or solid waste must be placed in plastic bags, meeting the minimum standards prescribed in § 17-102(9), above, with the tops tightly secured. The filled plastic garbage bags must be stored in garbage containers meeting the minimum standards prescribed in § 17-102(7), above. Containers not meeting such standards may be condemned by the department, and when so condemned shall be promptly replaced with containers which do meet such standards. Condemned containers not replaced within 15 days after notice of condemnation shall be confiscated. It shall be the duty of the head of every family occupying or in possession of any house, apartment, tenement or other dwelling unit, or the owners or agents thereof, to provide satisfactory containers as defined herein for each such dwelling unit, and to place or cause to be placed such containers or plastic bags at the designated locations at the designated times for collection by the town or its agent.

(2) Commercial waste. It shall likewise be the responsibility of the person(s) in charge of each business or commercial establishment to place all solid waste in the commercial waste containers provided by the town or the contractor. In those cases where state health regulations require lids on said containers, it shall also be the responsibility of these persons to insure that the lids are kept closed when not in use.

(3) Industrial waste. It shall likewise be the responsibility of the person(s) in charge of each industrial or manufacturing firm to use the industrial waste containers provided by the town or the contractor under individual contracts. (1978 Code, § 8-203)

**17-104. Location of container.** (1) Residential. Each resident is to place the plastic garbage bag, or the garbage can containing the tied plastic

garbage bag, at curb side in front of the resident prior to 8:00 A.M., prevailing time, on the designated collection days.

(2) **Commercial.** Each business shall be provided with an individual bulk container if the volume dictates; however, in the case of small volume businesses, one container may serve two or more firms so long as the container is within 100 feet of the business. Under the prevailing contract, these containers are the property of the contractor. A small, isolated business with a minimum of waste may use a garbage can as described in § 17-102(7), above. The containers are to be so located as to be accessible to the servicing vehicle, yet not pose a hazard to traffic.

(3) **Industrial.** Each industry or manufacturing firm will contract with the town or the contractor for large volume industrial containers suitable for each application, which are to be located as necessary for each firm as long as the container is accessible to the servicing vehicle. Under the prevailing contract, these containers are the property of the contractor. (1978 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. The placing of waste in any residential, commercial or industrial container by a non-resident of the town is specifically prohibited. (1978 Code, § 8-205)

**17-106. Industrial waste.** Non-hazardous or non-toxic industrial waste which has been reviewed and approved by the town will be collected by the town or the contractor pursuant to individual contracts with each producer of such waste, utilizing special containers provided for such by the contractor and serviced at such frequency as agreed to by both parties. (1978 Code, § 8-206)

**17-107. Dead animals.** The department will, on call, pick up small dead animals, which are not be placed in garbage or solid waste container, nor introduced into the town's sanitary landfill. The person owning or in possession of other dead animals, such as livestock and horses, shall be responsible for their prompt disposal through private "tankage" companies. (1978 Code, § 8-207)

**17-108. Collection schedule.** The town or the contractor will collect garbage and refuse from family dwelling units twice weekly, in accordance with published schedules. Commercial solid waste will be collected as required by the volume in the containers, but no less than twice each week. Businesses which handle "prepared for consumption" food products; hospitals and nursing homes shall be collected daily, Saturdays, Sundays and approved holidays excepted. (1978 Code, § 8-208)

**17-109. Holidays.** (1) The following are designated holidays on which there will be no solid waste collection or disposal: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(2) If the holiday falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, it will be observed on the preceding Friday. Customers normally scheduled for collection on one of these holidays will receive only one pick up that week, that being the next regular scheduled day which is not a holiday. (1978 Code, § 8-209)

**17-110. Collection and disposal fee schedule.** The collection and disposal fees for solid waste collection and disposal were negotiated between the town and the contractor; approved by the town council and incorporated in the agreement with the contractor, and as hereby amended effective July 1st, 1990, as follows:

(1) Customers located within the corporate limits.

(a) Residential fees. Each family unit shall be assessed a collection fee of \$3.60 per month and a disposal fee of \$1.40 per month for a total fee of \$5.00 per month. Each family unit in a multiple dwelling, apartment building, etc., shall be considered as a separate family unit.

(b) Commercial fees. (i) All commercial and business customers shall be assessed a collection and disposal fee based on the estimated volume of waste generated thereby, as measured by a non-compacted cubic yard. This fee shall be \$1.40 collection fee and \$0.80 disposal fee for a total fee of \$2.25 per non-compacted cubic yard. There shall be a minimum fee of \$15.00 per month for each business, of which \$3.00 shall be the monthly disposal fee.

(ii) The volume generated by each business shall be surveyed at least annually for any required adjustments of the fees as determined by the prevailing volume. Individual adjustment may be made during the year where sufficient change in volume, either increase or decrease, has occurred.

(c) Industrial fees. The collection and disposal fees for industrial customers shall be negotiated the individual firm and the town and/or the contractor; however, these fees shall not be less than those established for commercial firms per § 17-110(1)(b), above. The disposal or tippage fee shall be 37.75% of the total fee charges each industry. Industrial customers will be billed on a monthly basis directly by the contractor, who shall remit to the town the appropriate tippage fee within 15 days of the collection of same.

(d) Special collections. The department will collect and dispose of bulk solid waste upon request where the individual or business cannot locate a private source to collect same. The fee to be charged is based on the size of the collection vehicle and the time involved on a per-hour cost basis, with a minimum charge of \$12.50 per trip.

(2) Customers located outside the corporate limits. It shall be the policy of the town not to accept solid waste from individuals or firms who are not residents of the Town of Huntingdon; however, other governmental entities, or commercial or industrial firms which are not located within the corporate limits of the town may be authorized to dispose of acceptable solid waste in the town's sanitary landfill by individual contract approved by the town council. The tippage fee for such disposal shall be \$3.00 per non-compacted cubic yard, payable to the town and billed on a monthly basis.

(3) Customers who deliver solid waste direct to landfill. (a) Residents of the town who deliver small amounts of solid waste from private dwellings directly to the sanitary landfill (defined as less than a 1/2-ton pickup load) will not be assessed a disposal charge.

(b) Persons or businesses who deliver larger volumes of solid waste directly to the sanitary landfill (defined as a 1/2-ton pickup load or larger) shall pay to the town a tippage fee of \$2.25 per non-compacted cubic yard, as based on the best estimate of the volume of waste by the landfill operator.

(4) Appeals. Any customer served by the solid waste collection and disposal system of the town who believes that he or she is being unfairly assessed for such services, and who has failed to reach agreement with the department or the contractor may appeal to the town council. (1978 Code, § 8-210)

**17-111. Collection and disposal fees mandatory.** (1) The fees fixed in § 17-110 of this chapter for the collection, removal and/or disposal of solid waste are hereby levied against all owners, occupants, tenants, or lessees using or occupying any family dwelling unit, building, house or structure, and against all business and commercial or industrial establishments entitled to receive such services.

(2) Since the proper and prompt removal of all solid waste, refuse and garbage is essential to the public health and safety, it is deemed necessary that such a fee be levied against every person or firm eligible for said services, and thus provide for a more and equitable distribution of the cost of this service to the citizens enjoying the benefits thereof.

(3) Since the operation of the solid waste collection and disposal system of the town is a revenue producing activity, it is the desire and intent of the town council that it shall be operated in a business-like manner as normal to an enterprise fund activity, and that the collection and/or disposal fees be maintained at a sufficient level to defray the cost of current operation and maintenance; a funded reserve for depreciation and necessary capital improvements of said system.

(4) It shall be unlawful for any person to utilize any container belonging or assigned to another person as a means of avoiding payment of the fees levied by this chapter. (1978 Code, § 8-211)

**17-112. Charges for solid waste services included on water bill.**

For the purpose of convenience and cost reduction in the billing procedure, the monthly service fees levied by this chapter shall appear on the monthly utility bill for water and sewer services, and shall be payable at the Department of Finance and Administration in the Huntingdon Municipal Building. (1978 Code, § 8-212)

**17-113. Town only may collect solid waste - exceptions.** No person, other than employees of the town, its agents, or the contractor may collect or haul any solid water or garbage, refuse or other waste material within the town, with the following exceptions:

(1) A person may haul small amounts of garbage and refuse originating within his or her personal family dwelling unit to the official sanitary landfill.

(2) A person or firm operating a business, commercial or industrial establishment may haul solid waste originating within said establishment to the sanitary land, providing:

(a) That the means of conveyance is approved by the department as being sanitary and of a type that will prevent the spilling or leakage of its contents and the emanation of disagreeable odors.

(b) That the conveyance is closed or covered to prevent the waste from being blown from the conveyance and

(c) That the required fee is paid upon deliver of said waste to the sanitary landfill, or, in the case of a continuing delivery, arrangements are made with the town to pay these fees on a monthly basis. (1978 Code, § 8-213)

**17-114. Solid waste to be stored in designated containers only.**

The following acts by any person are hereby declared to be unlawful as trespasses and public nuisances, and subject to penalties imposed by this code:

(1) Placing, depositing, dumping, or throwing, or permitting or causing to be placed, deposited, thrown, or to remain, any garbage, refuse, dead animals, litter, industrial or building waste, or any other discarded materials:

(a) On public or private property outside any house, apartment, or building in the Town, unless the same has been deposited in accordance with the provisions of the chapter, or

(b) On lots or land, vacant or occupied, or

(c) On or in any gutter, streets, sidewalk, parkway, driveway, curb, alley, or any other public property.

(2) Permitting any garbage, refuse, litter, or other solid waste originating in a place of business to remain on the property of such business, or on streets or other private property in the vicinity o such business. Persons operating such businesses shall be responsible for assuring that their waste is collected and disposed of as required by this chapter, and that any such garbage,

refuse or other solid waste that is scattered on his or her property, regardless of the means by which such scattering occurs; however, the owners or operators of a business who permit such waste or litter be scattered onto adjacent property shall be held responsible for littering, and subject to fines and cost if convicted of same.

(3) Causing or permitting to be on or to remain in or upon any premises, public or private, any garbage, or animal, vegetable or mineral matter, or any composition of residue thereof, that shall be in an unsanitary condition or otherwise injurious to public health, or that shall emanate offensive or obnoxious odors.

(4) Any person who throws waste materials of any type onto the streets, roads or other public or private places or ways by discarding material from vehicles or otherwise shall be guilty of "littering" and subject to penalties imposed by this chapter. (1978 Code, § 8-214)

**17-115. Official sanitary landfill.** The official sanitary landfill of the Town is hereby defined as any land the town council may select for such use and which has received approval for such use by the Tennessee Department of Health.

(1) It shall be unlawful to dispose of garbage, refuse or other such solid waste at any place within the Town other than in the official sanitary landfill, except that construction debris may be used for fill material.

(2) It shall be unlawful for any person to introduce into the official sanitary landfill any material, either solid, semi-solid or liquid, or in any other form, which is classified by the Tennessee Department of Health as "Hazardous" or "Toxic," either by direct introduction into the landfill, or by placement in a collection container which is subsequently delivered into the landfill.

(3) It shall be unlawful for any person to introduce into the official sanitary landfill any material, either solid, semi-solid or liquid, which is classified as a "Special Waste" (i.e., not hazardous or toxic, but requiring special handling), without the written approval of the Tennessee Department of Health, and the view and approval of the town council.

(4) All garbage, refuse or other such solid waste on the town's sanitary landfill shall become and is the property of the town, and no person shall separate, collect, carry off, or salvage any such materials unless expressly authorized to do so by the department, and then only under the direction and supervision of said department.

(5) The official sanitary landfill shall be operated under the supervision of the mayor and the superintendent of public works, and pursuant to the "operations manual" as prepared by the town's consulting engineers and approved by the Tennessee Department of Health.

(6) The official sanitary landfill shall normally be open to the public during the hours of 8:00 A.M. through 4:00 P.M., Monday through Fridays, and from 8:00 A.M. to 12:00 noon on Saturdays.

(7) A suitable collection container shall be placed outside the entrance to the official sanitary landfill for the convenience of the public during those hours that the official sanitary landfill is closed. (1978 Code, § 8-215)

**17-116. Burning of waste prohibited.** The burning of garbage within the town at any time is hereby prohibited. The burning of refuse or other waste materials within the town between sunset and sunrise is hereby prohibited except in an incinerator approved by the town. The burning of refuse of their waste materials within the fire limits of the town at any time is hereby prohibited. The burning of combustible refuse within the town and outside the fire limits of the town shall be permitted during daylight hours provided that any such open fire shall be under constant supervision by the person who ignited it; provided further than any such fire must be at least twenty-five (25) feet from any building, combustible fence, or property line, and provided further than any such fire shall be so maintained that it shall not constitute a nuisance to, or injure or damage the property of any other person. (1978 Code, § 8-216)

**17-117. Supervision of collection and disposal.** This chapter shall be administered by the department of public works, heretofore known variously as the health department, garbage department and sanitation department, through its Sanitation Division, under the direction of the mayor and pursuant to such regulations which have been, or shall hereafter be ordained by the town council. (1978 Code, § 8-217)

**17-118. Penalties.** (1) The violation of any provision of this chapter is hereby declared to be and shall constitute a misdemeanor and a public nuisance, and shall be summarily abated by the person responsible therefor on notice from the department of public works or other official of the town, and if not so abated may be abated by the department with the cost thereof charged against the responsible person. Such abatement action shall not be a bar to the imposition of fines and cost upon conviction of a violation of the provision so this chapter.

(2) The conviction of a violation of the provisions of the chapter shall carry a fine of not more than fifty dollars (\$50.00) plus court cost, and each date that said violation continues may be a separate, triable offense. (1978 Code, § 8-218)