

**TITLE 17****REFUSE AND TRASH DISPOSAL****CHAPTER****1. STORAGE AND COLLECTION.****CHAPTER 1****STORAGE AND COLLECTION****SECTION**

- 17-101. Short title.
- 17-102. Definitions.
- 17-103. Premises required to have collection service.
- 17-104. Collection by city.
- 17-105. Collection supervised by city manager.
- 17-106. Pre-collection practices.
- 17-107. Collection practices.
- 17-108. Inspections.
- 17-109. Abatement of nuisances.
- 17-110. Fees for garbage service.

**17-101. Short title.** This chapter shall be known and cited as the "Kingston Refuse Ordinance." (1991 Code, § 17-101)

**17-102. Definitions.** For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings 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 words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Kingston.
- (2) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (4) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.
- (5) "Rubbish" is nonputrescible solid 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.

(6) "Premise" is the site of any dwelling, business, plant, or commercial establishment, including such establishment. (1975 Code, § 8-102, 1991 Code, § 17-102)

**17-103. Premises required to have collection service.** Every dwelling, business, plant, or other building or activity which causes or creates on its premises refuse, shall provide such dwelling, business, plant, building, or activity with a refuse collection service under the provisions of this chapter. (1991 Code, § 17-103)

**17-104. Collection by city.** All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city. No person shall convey over any of the streets or alleys of the city, or dispose of, any refuse accumulated in the city, except as noted hereafter:

(1) **Exception for actual producers.** This chapter shall not prohibit the actual producer of refuse, or the owner of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse provided such producer or owner shall first apply to the city manager for a permit to so collect, convey, and dispose of refuse. Such application shall be in writing and shall contain an agreement by the applicant to comply with the requirements of this chapter concerning containers, methods of conveyance, and point of disposal.

(2) **Exception for outside collectors.** This chapter shall not prohibit collectors of refuse collected outside of the city from hauling such refuse over city streets, provided such collectors are hauling such refuse in containers and vehicles of an approved type under the provisions of this chapter. (1991 Code § 17-104)

**17-105. Collection supervised by city manager.** All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city under the supervision of the city manager. The city manager shall have 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 are necessary and to change and modify the same, provided that such regulations are not contrary to the provisions hereof.

Any person aggrieved by a regulation of the city manager shall have the right of appeal to the city council, the council shall have authority to confirm, modify, or revoke any such regulation, such decision to be final. (1991 Code, § 17-105)

**17-106. Pre-collection practices.** All customers shall observe the following practices:

(1) Preparation of refuse. (a) Garbage. All garbage, before being placed in garbage cans for collection, shall have drained from it all free liquids, and shall be wrapped in paper or other equivalent material.

(b) Rubbish. All rubbish shall be drained of liquid before being deposited for collection. Light rubbish such as grass clippings may be placed in the regular garbage containers. Bulky rubbish such as heavy brush trimmings, scrap lumber, and similar materials shall be bundled so as not to be more than eight feet (8') long nor to weigh more than seventy-five (75) pounds and shall be removed by special pickup at the request of the resident.

(2) Refuse containers. Refuse containers shall be provided by the owner, tenant, leesee, or occupant of the premises. Refuse containers shall be maintained in good order and repair. Any container that may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be properly replaced upon notice. The city manager shall have the authority to refuse collection service for failure to comply herewith. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects or rodents.

Garbage containers shall be made of galvanized metal, or other material approved by the city manager, with handles on the sides and with tight fitting lids of the same material which shall not be removed except when depositing or removing the contents of the receptacle, and shall be water tight and rodent and fly proof.

Garbage containers shall have a capacity of not less than twenty (20) gallons nor more than thirty-two (32) gallons except that the maximum capacity shall not apply to commercial users of mechanically handled garbage storage containers.

(3) 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 city manager. Nor shall any person throw or deposit any refuse in any stream or other body of water in the city.

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 shall be deemed a violation of this chapter.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or unoccupied vacant lot or other public place or into any occupied premise within the city.

(4) Points of collection. Refuse containers shall be placed for collection at ground level on the property, not within the right of way of a street or alley, and shall be accessible to and not more than ten feet (10') 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 and at a distance of more than ten feet (10') when approved by the city manager. (1991 Code, § 17-106)

**17-107. Collection practices.** All refuse shall be removed from private residences once each week, or as often as is deemed necessary by the city manager, and not less than once a week from businesses and institutions within the limits of the city unless otherwise directed by the city manager.

(1) Special refuse problems.

(a) Contagious disease refuse. The removal of wearing apparel, mattresses or other bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the city manager. Such refuse shall not be placed in containers for regular collection.

(b) Inflammable or explosive refuse. Highly inflammable or explosive materials, poisons, acids, and caustics shall not be placed in containers for regular collection but shall be disposed of at the expense of the owner or possessor as directed by the city manager.

(c) Construction refuse. Quantities of refuse materials resulting from the repair, excavation, or construction of buildings, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, tree limbs, wooden wastes, or any other nonputrescible materials shall be removed and disposed of by the contractor, owner, or person having same in charge by a method satisfactory to the city manager.

(d) Materials not prepared in accordance with this chapter. Unless refuse shall be prepared for collection as provided in this chapter, it will be considered not acceptable for collection.

(e) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the city manager.

(f) Dead animals. Dead animals shall not be placed in garbage containers for regular collection. Such animals shall be removed by special pickup on call to the city.

(2) Collection by actual producers and outside collectors.

(a) Requirements for vehicles. The actual producers of refuse in the city, or the owners of premises in the city upon which refuse is accumulated, 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 vehicle or container provided with a cover so as to prevent offensive odors escaping therefrom and refuse or liquid from being blown, dropped, or spilled.

(b) Disposal. Disposal of refuse produced in the city by persons so permitted under subsection (a) above shall be made at the landfill which the city has under contract, unless otherwise authorized by the

city manager. This does not authorize or permit any other person to use the said landfill unless permitted by the city manager upon payment of a fee fixed by the manager, and upon the presentation of a permit from the city manager to the operator of said landfill.

(c) **Other regulations.** The city manager shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the handling of refuse over city streets as may be necessary, subject to the right of appeal as set forth in § 17-105.

(3) **Refuse is property of city.** Refuse material set out for collection and/or deposited at the municipal disposal grounds shall be the property of the city. Any scavenging, scattering, collecting, or pilfering of refuse in any way is prohibited except by written permission from the city manager.

(4) **Rubbish pick-up fees.** Rubbish pick-ups will be made upon request and free of charge during the first two weeks in April and the first two weeks in November. All other requests for rubbish pick-ups must be accompanied by a payment by the applicant of twenty dollars (\$20.00) per pick-up. (1991 Code, § 17-107)

**17-108. Inspections.** The city manager or his authorized agent is hereby directed to make all necessary inspections and investigations of any and all premises to insure compliance with the terms of this chapter. (1991 Code, § 14-108)

**17-109. Abatement of nuisances.** Any dwelling, business house, or other structure in the City of Kingston about which refuse accumulates which is not provided with refuse collection service by the City of Kingston or by the owner or producer in compliance with this chapter is hereby declared to be a public nuisance dangerous to the public health, safety, convenience, and welfare and may be abated as other public nuisances. (1991 Code, § 17-109)

**17-110. Fees for garbage service.** (1) **Fees for collection by city.** The city shall make a charge for the expenses related to the collection of garbage and refuse in the city. The fees for such collections shall be paid monthly in advance and shall be as follows:

Single family residence	\$7.00 Per month
Multiple family units	\$7.00 Per month for each housekeeping unit
Business and commercial	
Small enterprise	\$12.00 Per month
Medium enterprise	\$18.00 Per month
Food service	\$36.00 Per month
Motel	\$72.00 Per month

Industrial

\$72.00 Per month

The fees set forth shall be waived as to any actual producer of refuse or owner of premises who obtains a permit for disposal of such refuse as provided for in § 17-104 of the Kingston City Code.

(2) Limitation of amounts. Whenever the collections of garbage from any establishment or place shall exceed the six to thirty-two (6-32) gallon containers per week or weight for such a place or require additional collection beyond one pickup each week, so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the city manager shall contract with the owner or producer for the fee for such additional service.

(3) Garbage collection fee. The garbage collection fee for those households occupied by persons eligible to receive property tax relief in the City of Kingston pursuant to the provisions of Tennessee Code Annotated, §§ 67-5-701 through 67-5-704 shall be set at five dollars (\$5.00) per month.

The city clerk be, and she is hereby, directed to determine from the property tax records those households which will be eligible for the special garbage collection fee and bill the appropriate customers accordingly. (1991 Code, § 17-110, as amended by Ord. #8-7-8, Aug. 2008)