

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Unlawful disposition.
- 17-102. Storage and disposition of residential refuse.
- 17-103. Storage and disposition of commercial and industrial refuse.
- 17-104. Nuisances prohibited.
- 17-105. Abatement of nuisances.
- 17-106. Collection; hours restricted.

17-101. Unlawful disposition. It shall be unlawful to throw, or to place upon any street or upon any public or private property within the city, any garbage, trash or refuse, except as hereinafter provided.

It shall further be unlawful to burn garbage, trash, or other refuse within the city. (1986 Code, § 8-201)

17-102. Storage and disposition of residential refuse. (1) Every owner, occupant or tenant of a residence within the city having or accumulating garbage or rubbish which may create a nuisance shall remove or have the same removed by a garbage collector under contract to, or franchised by, the city.

(2) Every residential owner, occupant or tenant producing garbage and/or refuse shall provide and maintain in a place easily accessible to the garbage collector, and where it will not be a public nuisance or in any degree offensive, a durable, water tight, not-easily-corrodible, rodent and fly proof, galvanized metal, fiberglass or plastic container(s) with a suitable bail or handles and tightfitting cover having a capacity of not exceeding 32 gallons. All garbage to be placed in the container shall first be drained of all excess liquids, and solids shall be wrapped in paper or placed in tied plastic bags so as to prevent the escape of liquids therefrom. The garbage collector shall collect only that garbage which has been placed in an appropriate container.

¹Municipal code reference

Property maintenance regulations: title 13.

(3) All garbage and refuse shall be deposited in said containers, which shall be adequate in size and/or numbers to contain all garbage generated on the premises between collections. The contents of all containers shall be removed not less than once per week.

(4) Garbage containers that leak, or have ill fitting or missing lids shall be "tagged" by the garbage collector with tags provided by the city. The tag shall advise the owner, occupant or tenant that the garbage container is defective and that the owner, occupant or tenant shall replace the container within seven (7) days or be subject to the penalty clause of this code. Each day of non-compliance shall constitute a separate offense. The owner, occupant, or tenant may, however, request the city manager or his agent to inspect the subject container to confirm the non-compliance. The decision of the city manager or his agent shall be final.

(5) It shall be unlawful to store garbage in any container not in conformance with the containers described in subsection (2) above. All such containers shall be maintained in the rear of the premises, and shall at all times be kept clean and in a condition that the contents may not leak or fall out. The lid or cover shall be kept in place at all times except when garbage or refuse is being deposited therein or removed therefrom.

(6) Weeds, grass clippings, tree limbs, brush, building materials, and other hard to handle non-putrescible bulk materials shall be placed in garbage containers, or plastic bags, cut and baled, tied, bundled, stacked, or packaged so as to confine such material and to prevent it from scattering or blowing, and so as not to exceed five feet in length and fifty pounds in weight. Supplemental bags, bundles and packages shall be placed adjacent to the garbage containers for collection, or placed in an easily accessible place near the street or road.

(7) The following substances are hereby prohibited from, and shall not be deposited in, residential garbage containers:

Explosives. Flammable liquids, solids or gasses, such as gasoline, benzene, alcohol, or other similar substances.

Any material that could be hazardous or injurious to the garbage collector or which could cause damage to refuse collection vehicles or disposal equipment.

Construction waste, including materials from construction, remodeling, and construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, blocks, concrete, plaster, wood, metal, fill, and all types of scrap building materials and residue.

Hot materials such as ashes, cinders, charcoal, etc.

Human or animal waste.

(8) The board of commissioners of the city may grant a franchise, or contract, for residential garbage collection for a term not to exceed five (5) years to any person, persons, company or corporation who shall comply with the terms

of this chapter. Such franchise or contract shall not be transferable without the permission of the board of commissioners. The garbage collector shall provide refuse collection service to all residential owners, occupants and tenants within the city at no charge to such residential owners, occupants and tenants. (1986 Code, § 8-202)

17-103. Storage and disposition of commercial and industrial refuse. (1) Every owner or manager of a commercial or industrial activity or operation within the city having or accumulating garbage or rubbish, including commercial or industrial wastes of whatever nature, shall remove or have removed such garbage or refuse by garbage or refuse collector of the owner or manager's choice, at the expense of the owner or manager.

(2) Every owner or manager of a commercial or industrial activity or operation within the city having or accumulating garbage and/or refuse shall provide and maintain in a place easily accessible to the refuse collector, and where it will not be a public nuisance or in any degree offensive, one or more residential type garbage containers of the type described in § 17-102(2) above, or, one or more commercial or industrial type refuse containers suitable for handling by automated equipment. Such containers shall be adequate in size and/or numbers to contain all garbage and refuse generated on the premises between pick-ups. Commercial/industrial type refuse containers shall be of welded steel construction and rodent proof, with a close fitting lid. All garbage to be placed in such containers shall first be drained of all excess liquids, and solids shall be wrapped in paper or placed in tied plastic bags so as to prevent the escape of liquids therefrom. The refuse collector shall collect only that garbage and refuse which has been placed in an appropriate container. It shall be unlawful to store garbage, trash, or other refuse in any container not in conformance with the containers described above. All such containers shall be maintained in the rear of the premises or other unobtrusive area, and shall at all times be kept clean and in a condition that the contents may not leak or fall out. The lid or cover of all containers shall be kept closed at all times except when garbage or refuse is being deposited therein or removed therefrom.

(3) The contents of all garbage and refuse containers shall be removed not less than once per week. The city manager or his agent may, however, and is hereby authorized to require, after proper written notice, and as individual circumstances warrant, more frequent collection of all putrescible wastes, except sewage and body wastes, but including waste accumulated of animal, food or vegetable matter, and waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, and all cans, boxes, cartons, papers, or other objects which have food or other organic materials of any nature in or adhering thereto, and shall include all of such wastes or accumulations of vegetable and animal matter produced by the preparation

and/or sale of food for human consumption in or by hotels, motels, restaurants, grocery stores, hospitals, boarding houses, institutions, and other similar establishments. In addition, the city manager or his agent may, and is further authorized to require, when conditions warrant, that all such putrescible matter be placed in sturdy plastic bags and tied, before disposal in an appropriate refuse container.

(4) The following substances are hereby prohibited from, and shall not be deposited in, commercial and industrial refuse containers:

Explosives.

Flammable liquids, solids or gasses, such as gasoline, benzene, alcohol, or other similar substances.

Any material that could be hazardous or injurious to the refuse collector or which could cause damage to refuse collection vehicles or disposal equipment.

Hot materials such as ashes, cinders, charcoal, etc.

Human or animal waste.

Radioactive wastes. (1986 Code, § 8-203)

17-104. Nuisances prohibited. (1) It shall be unlawful for any person to permit or suffer trash, rubbish, and refuse to accumulate on his property to such extent that a nuisance is created, which is injurious to the health and welfare of the inhabitants of the city.

(2) The person in ownership or control of any property where stagnant water may collect, shall fill in or drain the same or take other adequate measures to prevent the breeding or harborage of insects and other pests.

(3) It shall be unlawful for the person in ownership or control of any property to permit or suffer tires to be stored thereon, where stagnant water may collect in the tires allowing the breeding or harborage of insects or other pests.

(4) A violation of this section shall be punishable by a fine of up to fifty (\$50.00) dollars. Each day that such violation continues shall constitute a separate offense. (1986 Code, § 8-204, as amended by Ord. #2005-357, Nov. 2005)

17-105. Abatement of nuisances. (1) When any person in ownership or control of property in the city allows rubbish to accumulate thereon and fails or refuses to remove the same, or allows stagnant water to collect thereon, without taking adequate measures to prevent the breeding or harborage of insects or other pests, or allows tires to be stored in a manner that allows collection of stagnant water and refuses to eliminate the collection thereof, the city manager may, when in his opinion the same may affect the health, safety, welfare, or mar the beauty of said city, expend necessary funds to have the same removed and said property cleared of such condition.

(2) Upon the payment of the costs for said work, the city manager shall certify the facts, together with the amount of the costs, to the city attorney, who will in turn prepare a lien, and the same shall be properly notarized by the city manager and filed of record in the Register's Office for Davidson County, Tennessee, against the owner and against said property, and the same shall be a lien upon the property, and said property may be sold, as provided by law, for the satisfaction of said lien. (1986 Code, § 8-205, as amended by Ord. #2005-357, Nov. 2005)

17-106. Collection; hours restricted. (1) Collection of garbage or refuse in the City of Berry Hill, Tennessee is prohibited between the hours of 10:00 P.M. and 7:00 A.M. if:

(a) Collection of such garbage and/or refuse requires the use of a mechanical lift device and the refuse or garbage container exceeds five hundred (500) gallons, and,

(b) Collection of such garbage and/or refuse is located in one of the areas designated by the Addendum Map¹. These are areas where it has been demonstrated that collection of the type of refuse or garbage container described herein during the restricted hours is disruptive to residential areas during evening and night hours.

(2) A violation of this section shall be punishable by a fine up to five hundred dollars (\$500.00). (Ord. #2001-317, March 2001)

¹The Addendum Map is available in the office of the city recorder.