

**TITLE 17**

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

**CHAPTER**

**1. REFUSE.**

**CHAPTER 1**

**REFUSE**

**SECTION**

- 17-101. Definitions.
- 17-102. Purposes.
- 17-103. Administration.
- 17-104. Violations generally.
- 17-105. Cans and containers required; specifications; placement; maintenance.
- 17-106. Replacement when defective.
- 17-107. Location of refuse containers.
- 17-108. Use of containers; flattening cartons.
- 17-109. Deposit of ashes.
- 17-110. Disturbing contents, etc., of containers.
- 17-111. Disposal of construction refuse.
- 17-112. Disposal of dead animals (commercial only).
- 17-113. Frequency of collection.
- 17-114. Collection fees--commercial collection.
- 17-115. Additional service.
- 17-116. Billing basis.
- 17-117. Pooling refuse.
- 17-118. Determination of amount of waste, pick-up frequency, etc.
- 17-119. Delinquent waste collection fees--penalties.
- 17-120. Additional remedies available to the city relative to delinquent waste collection fees.
- 17-121. Violations by nonresidential users.
- 17-122. Private hauler's permit.
- 17-123. Transportation requirements--vehicle beds.
- 17-124. Receptacles; securing debris.
- 17-125. Additional violations.
- 17-126. Duties of the director of public works or his designee.
- 17-127. Dumping activities on public and private property.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

17-128. Filling activities on public and private property.

17-129. [Repealed.]

**17-101. Definitions.** As used in this chapter, the following terms shall have the respective meanings ascribed to them:

(1) "Acceptable fill material." Brick and masonry particles, concrete particles, rock or gravel, soil.

(2) "Ashes." The waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(3) "Collector." Any person who collects, transports, or disposes of any refuse within the city.

(4) "Commercial user." Commercial users shall be all of those users engaging in commercial, business, industrial or other activities outside of residentially zoned areas. This includes any person, firm or corporation performing any non residential business, occupation or profession, and shall include, but not be limited to, all businesses licensed by the City of Tullahoma, operating from a commercial address, each apartment unit, (triplex or larger complexes); each mobile park (having more than two (2) trailers); each condominium unit (triplexes or larger complexes); or other multiple dwelling units (triplex or larger complexes).

(5) "Garbage." Every waste accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, and including tin cans or similar food containers.

(6) "Junked motor vehicles." Any motor vehicle the condition of which is significantly damaged, wrecked, dismantled totally or partially, inoperative, or a motor vehicle which is a damaged, wrecked, totally or partially dismantled or inoperative condition which has been abandoned, or discarded.

(7) "Refuse." All solid wastes, except body wastes, and shall include garbage, ashes and rubbish (trash).

(8) "Rubbish." Waste papers, tin cans, broken ware, discarded shoes and clothing, bottles, grass cuttings, or other non-organic solid wastes; except that the term "rubbish" shall not include debris from construction or repair work, trees or tree trimmings, bricks or rocks or any other waste that is likely to cause damage to the equipment of the city, injury to its employees, or is likely, because of the nature, size, or weight of the material, to cause undue hardship on the collector.

(9) "Trash." Any items which would be "rubbish" as is herein defined and, as well, broken, discarded, or worthless things.

(10) "Unacceptable fill material." Brush and wooden particles, portions of trees, articles made from metal, rubber or synthetic materials, such as tires, or articles made from wood, as well as wire and other discarded construction

materials such as pipe, appliances and fixtures, etc. (1988 Code, § 8-201, as replaced by Ord. #1386, March 2009)

**17-102. Purposes.** This chapter, being in the best interests of the health, safety and welfare of the inhabitants of the city, is enacted to insure good sanitary conditions for the city and to render a charge for the disposal of garbage and refuse by the city to help defray the expenses of the collection thereof. (1988 Code, § 8-202, as replaced by Ord. #1386, March 2009)

**17-103. Administration.** All refuse accumulated within the city shall be collected, conveyed, and disposed of under the supervision of the public works director or his designee except as authorized by permit herein. Collections shall be made regularly in accordance with an announced schedule. (1988 Code, § 8-203, as replaced by Ord. #1386, March 2009)

**17-104. Violations generally.** Any person who shall violate any provision of this chapter or who shall fail or refuse to obey any notice or order issued by the codes department or the director of public works or his designee, with reference to the storage, accumulation, or disposal of refuse as set forth in this chapter, shall be guilty of a misdemeanor and shall, upon conviction, be fined as provided in § 1-107. The director of public works or his designee or both, are empowered to issue citations and/or execute warrants for the violation of any of the provisions of this chapter. (1988 Code, § 8-204, as replaced by Ord. #1386, March 2009)

**17-105. Cans and containers required; specifications; placement; maintenance.** (1) The public works department shall provide residents with one (1) garbage can per household and the cost for disposal shall be from residential property taxes.

(2) The director of public works may require any residential household regularly exceeding the capacity of the city-issued garbage can in a collection period, to utilize an additional garbage can. An additional garbage can will be provided to a citizen at the city's expense. Any additional can in excess of the first can provided will be billed at the rate established in the city's comprehensive fee schedule.

(3) Said cans and containers shall be so placed as to be accessible to the city collection service trucks and shall be kept closed at all times and shall be kept in a clean and sanitary condition.

(4) In addition to standard garbage cans, appropriate plastic bags, properly secured and placed in the garbage can, shall be utilized for containment of garbage for garbage collection purposes.

(5) Garbage cans shall not be placed curbside earlier than 6:00 P.M. the day before scheduled collection and must be removed from curbside within twelve (12) hours of service.

(6) The director of public works may require some commercial users to utilize non-standard, city-issued containers due to location and accessibility.

(7) The maximum gross weight of garbage cans when filled shall not exceed two hundred (200) pounds. The maximum gross weight of dumpsters when filled shall not exceed three thousand (3,000) pounds. (1988 Code, § 8-205, as replaced by Ord. #1386, March 2009)

**17-106. Replacement when defective.** (1) Refuse containers and garbage cans shall be maintained in good order and repair.

(2) City-issued containers shall remain the property of the city at the property address where delivered, and are provided and assigned to residences and businesses for the health, safety, convenience and general welfare of the occupants. If a property is vacated, only one (1) city-issued can shall remain at the property. Any additional cans will be collected by the public works department.

(3) Containers that are damaged or destroyed through neglect, improper use or abuse by the occupant-users shall be repaired or replaced by the city at the expense of the occupants or the owner of the residence. City-issued containers which are damaged in the course of normal and reasonable usage or which are damaged or destroyed, through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the city at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person; markings and identification devices on the containers except as placed or specifically permitted by the city are expressly prohibited and shall be regarded as damage to the containers.

(4) In the event of any billable damage to any container, the city shall notify the user of the costs involved, which amount shall be remitted by user to the city within thirty (30) days from the date of said notification. Failure of the user to remit said sums demanded by the city shall result in a violation of this chapter. Further, said user shall be responsible for said monetary damages and losses to the city by civil action in a court of competent jurisdiction and/or at the option of the city, said amount shall be levied as additional personal or real property taxes against said user and collected in the same manner as said taxes are collected. (1988 Code, § 8-206, as replaced by Ord. #1386, March 2009)

**17-107. Location of refuse containers.** It shall be the responsibility of each occupant, on the scheduled day of collection, to place their container on the property side of the curb or street, or in a city approved location for pick-up. Containers shall be placed in such a location as to be readily accessible for removal by the city. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Garbage containers shall not be placed on a public sidewalk, in the street, or in

a drainage ditch. Commercial or business firms disposing of refuse under the provisions of this section may be permitted to place containers at places upon their premises convenient to the firm if approved by the public works director or his design to be readily accessible to the collection vehicle. The city shall place containers furnished by it to certain commercial users to be readily accessible to collection vehicles. (1988 Code, § 8-207, as replaced by Ord. #1386, March 2009)

**17-108. Use of containers; flattening cartons.** (1) Refuse shall not be collected unless properly stored.

(2) In no case will it be the responsibility of the city collectors to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing material, etc., except as specifically approved in advance by the director of public works or his designee of the collection service.

(3) There shall be compliance with the maximum two hundred (200) pound gross weight limit for any residential containers and three thousand (3,000) pound gross weight for commercial dumpsters; it will be the responsibility of the user or business establishment to reduce the amount of refuse in the container to comply with the weight limit.

(4) All business establishments shall flatten cardboard boxes and cardboard containers in order to facilitate handling by the city collectors. The city will not pick up cardboard boxes and containers that have not been flattened. It shall be the responsibility of the owner or operator of the business failing to comply with this provision to make appropriate disposition of such boxes and containers. This provision applies to all commercial users. (1988 Code, § 8-208, as replaced by Ord. #1386, March 2009)

**17-109. Deposit of ashes.** Ashes that have been exposed to the weather and are completely free of fire or smoke may be placed in regular containers. "Hot" ashes that may result in damage to refuse packers, or cans or containers, or may result in injury to the collectors shall, in no case, be placed in cans or containers. (1988 Code, § 8-209, as replaced by Ord. #1386, March 2009)

**17-110. Disturbing contents, etc., of containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any garbage can, dumpster, or recycling container issued to or belonging to another. It shall be unlawful to remove any recycling material placed curbside or in recycling collection containers, intended to be collected by the city. This section shall not be construed to prohibit the use of public refuse cans or containers for their intended purpose. (1988 Code, § 8-210, as replaced by Ord. #1386, March 2009)

**17-111. Disposal of construction refuse.** In no case will it be the responsibility of the city to collect refuse resulting from construction, demolition,

or repairs of buildings, structures or appurtenances. The properly owner or contractor, or the person having same in charge, shall be responsible for the disposal of such refuse. (1988 Code, § 8-211, as replaced by Ord. #1386, March 2009)

**17-112. Disposal of dead animals (commercial only).** There shall be a charge for the disposal of dead animals of five dollars (\$5.00) per animal, minimum charge of twenty-five dollars (\$25.00). The director of public works when in his may waive these fees when, in his or her opinion, it is appropriate to do so. (1988 Code, § 8-212, modified, as replaced by Ord. #1386, March 2009)

**17-113. Frequency of collection.** (1) Refuse collection shall be made in the residential districts on regularly scheduled routes.

(2) Refuse collection shall be made in commercial or business areas as frequently as needed to prevent the occurrence or nuisances and public health problems in the city. (1988 Code, § 8-213, as amended by Ord. #1211, Jan. 1999, modified, and replaced by Ord. #1386, March 2009)

**17-114. Collection fees--commercial collection.** (1) Any commercial user, as defined in § 17-101(9), shall be assessed such fees and charges as are established by ordinance from time to time. There shall be exempted from the provisions hereof and from the charges assessed hereby any firm which is under contract to provide services for a business or service provider which is already being billed for said collection fees.

(2) In the event, in the opinion of the public works director, the sanitation department personnel and equipment cannot provide adequate garbage service, the department shall not dispose of the garbage or debris.

(3) The director of public works shall assess a monthly charge to industries, firms, or businesses for disposing of their garbage or debris. Said charge shall be based upon the city's cost per cubic yard for the landfill disposal service and other disposal costs involved. (1988 Code, § 8-214, modified, as replaced by Ord. #1386, March 2009)

**17-115. Additional services.** Whenever services are rendered by the city sanitation department, in addition to the routine scheduled pick-up service by the garbage truck, a charge shall be assessed for each such service, in accordance with a schedule as established by ordinance from time to time:

(1) The director of public works shall determine the need for a front-end loader.

(2) Call-in service will generally be provided on a first-call, first-serve basis. The director of public works or his designee, however, will schedule pick-ups as required to efficiently use labor and equipment resources. (1988 Code, § 8-215, as replaced by Ord. #1386, March 2009)

**17-116. Billing basis.** (1) The waste collection fees provided for herein for commercial accounts that are billed more than the minimum monthly charge, shall be billed and payable to the city, on a monthly basis at the end of each billing period (end of month). The fee shall be due and payable upon receipt of the bill.

(2) Small commercial users which have the minimum service charge, and residential users utilizing more than one (1) garbage can, shall be billed semi-annually, in advance, for such services. (1988 Code, § 8-216, as replaced by Ord. #1386, March 2009)

**17-117. Pooling refuse.** Where more than one (1) firm pools their waste together in a common container, the director of public works or his designee shall designate the size and location of the container. (1988 Code, § 8-217, modified, as replaced by Ord. #1386, March 2009)

**17-118. Determination of amount of waste, pick-up frequency, etc.** The director of public works or designee shall have the authority and responsibility to determine the average amount of waste collected, frequency of pick-up, and additional services rendered. (1988 Code, § 8-218, as replaced by Ord. #1386, March 2009)

**17-119. Delinquent waste collection fees--penalties.** If any bills as set forth in § 17-116 hereof for waste collection fees are not paid within thirty (30) days of the date thereof, the city shall add thereto a delinquency penalty of ten percent (10%) per month, said ten percent (10%) to be calculated on the base bill, from month to month, until same is paid in full. If same is not paid within three (3) months from the date of billing, the city may turn said delinquent bill over to the city attorney for collection and the city attorney shall, upon receipt, be entitled to twenty percent (20%) of the total bill, excluding penalties, then due and payable, as attorney fees, which shall be added by him prior to initiating collection activities. The city attorney is hereby authorized to collect said delinquent bills under the same procedure as other civil debts are collected. In addition to the foregoing, the city may turn the delinquent accounts over to a commercial collection agency for collection. In addition to the provisions hereinabove set forth in this section, the appropriate city officials may attach any waste collection fees and delinquency penalties thereon, if same are not paid within three (3) months of the billing date as provided for above, to the real property or personal property taxes for the current year, of the persons and/or entities to whom said services were billed. Further, the city, through its appropriate officials, may, at its option, require that all delinquent waste collection fees and penalties, including attorney fees, if applicable, be paid by the persons and/or entities against whom same were assessed prior to the licenses, permits, taxes or other matters applied for being issued (including, but not limited to, beer permits, etc.) to said persons.

Any commercial user (non-residential user) as is defined in this chapter, by generating the waste which is subject to said service, is deemed to have agreed to the provisions herein for all purposes whatsoever. Any commercial user as defined herein for which the waste collection services are available shall also be deemed to have agreed to the provisions herein for all purposes whatsoever. (1988 Code, § 8-219, as replaced by Ord. #1386, March 2009, and Ord. #1397, Feb. 2010)

**17-120. Additional remedies available to the city relative to delinquent waste collection fees.** In addition to the provisions set forth in § 17-119, the City of Tullahoma shall have the following powers: In the event that any waste collection fee shall be at least three (3) months in arrears (shall have been delinquent for at least three (3) months), the city administrator, or his designee, may send notice to said delinquent party, by registered mail, return receipt requested, notifying the addressee thereof that should said delinquent fees, including all penalties and other charges, not be paid within ten (10) days from the date of said notice, the city shall discontinue waste collection services to said location to which said notice refers. There shall also be a fee as established in the city's comprehensive fee schedule to return a dumpster that has been removed for nonpayment of services. After discontinuance of said service, if said delinquencies are not paid by the party responsible, thus restoring pick-up services, should garbage, trash and other debris collect on said premises, then the occupant of said premises shall be guilty of an offense under the Code of Ordinances of the City of Tullahoma, Tennessee, as set forth in §§ 13-103 and 13-105 hereof and shall be liable under the general penalty provisions set forth in this code. Said violation shall be a continuing one until said property has been cleared of and is kept clear of the accumulation of waste, waste paper, etc. (1988 Code, § 8-220, as replaced by Ord. #1386, March 2009)

**17-121. Violations by nonresidential users.** Every person, business, industrial, or commercial user who shall violate any of the provisions of this chapter, or who shall fail or refuse to obey any notice or order issued by the codes department or director of public works or his designee with reference to storage, accumulation or disposal of refuse, as set forth in this chapter, shall be guilty of a misdemeanor and shall, upon conviction, be fined as provided for in § 1-107. (1988 Code, § 8-221, as replaced by Ord. #1386, March 2009)

**17-122. Private hauler's permit.** It shall be unlawful for any commercial enterprise to engage in the practice of handling, collecting, or hauling garbage, refuse, or rubbish within the city without having first obtained a written permit issued by the director of public works, who shall have absolute discretion as to whether or not to issue such permit; provided, however, anyone aggrieved by the decision of the director of public works may appeal that decision to the board of mayor and aldermen for its review of such decision and



such action as it deems appropriate under the circumstances. Persons engaged in the practice of hauling garbage, refuse, and rubbish on a permit so issued shall haul the same as required herein. Said permit must be acquired prior to the engaging in any of said activities. (1988 Code, § 8-222, as replaced by Ord. #1386, March 2009)

**17-123. Transportation requirements--vehicle beds.** 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 about either public or private property, including streets, in any manner. (1988 Code, § 8-223, as replaced by Ord. #1386, March 2009)

**17-124. Receptacles; securing debris.** It shall be unlawful to transport debris, garbage, trash, or other refuse upon the public streets within the city except under the following conditions:

(1) Whenever garbage is so transported it shall be securely covered and contained in an enclosed receptacle of some type so as to insure that it will not be scattered about either public or private property, including streets, in any manner, and that its odor will not be offensive in any manner. The term "garbage" shall include any and all waste foods or other substances having a propensity to spoil or take on offensive odors.

(2) Whenever debris or trash is so transported it shall be secured in such a manner (that is, tied down, covered, enclosed) that it cannot be scattered about either public or private property, including streets, in any manner. The terms "debris" and "trash" shall include, but not be limited to, all waste materials; brush; vegetation; paper; broken, damaged or worn out articles of all types; containers of all types; scrap lumber; except garbage, as is herein defined. (1988 Code, § 8-224, as replaced by Ord. #1386, March 2009)

**17-125. Additional violations.** The following activities which are committed or permitted shall be unlawful and shall be a violation of this chapter:

(1) Nonresidents of the city shall not use dumpsters belonging to the City of Tullahoma or to private parties for any purpose whatsoever.

(2) Refuse shall not be placed or allowed to collect around dumpsters.

(3) Burning refuse in dumpsters or placing combustible or volatile material in said containers shall be unlawful. Anyone guilty of allowing or permitting the burning or refuse in said containers shall, in addition to the penalty prescribed in this code of ordinances, be liable in an action at law to the City of Tullahoma for the value of the collection container damaged and/or destroyed as a result thereof or, in the alternative, shall be billed and charged

by the city for the value thereof along with other refuse collection charges. (1988 Code, § 8-225, as replaced by Ord. #1386, March 2009)

**17-126. Duties of the director of public works or his designee.** The director of public works or his designee shall have the duty and responsibility of enforcing this chapter of the Code of Ordinances of the City of Tullahoma, Tennessee and may cause the codes department to issue citations for violations of said ordinance. They shall enforce the provisions of this chapter by the inspection of property and by the observance of those persons who are seen to violate any of the provisions and shall be empowered to issue citations and/or warrants when in their opinion any of the provisions of this chapter have been violated. Citations so issued may be delivered in person to the violator by said director or designee or may be mailed to the person so charged by registered mail, return receipt requested, if he cannot be readily found. Any citation so mailed or delivered shall direct the violator to appear before the judge of the city court of the City of Tullahoma, Tennessee, at the time specified therein. In lieu of the issuance of citations, warrants may be executed by said director or designee pursuant to the arrest provisions set forth in the code of ordinances. (1988 Code, § 8-226, as replaced by Ord. #1386, March 2009)

**17-127. Dumping activities on public and private property.** It shall be unlawful for any persons, whether owners of private property or others, to place or dump on any private or public property any garbage, trash, junk, disabled and/or discarded household appliances of all types, or junked motor vehicles, whether said activities are with or without the permission of the owners of said property. Each day that a violation continues on said property shall be considered a separate offense, punishable under the general penalty clause of the Code of Ordinances of the City of Tullahoma, Tennessee. (1988 Code, § 8-227, as replaced by Ord. #1386, March 2009)

**17-128. Filling activities on public and private property.** It shall be unlawful for anyone authorized to place material to be used as fill material on vacant private or public property to allow said fill material to remain uncovered and in large piles for a period of more than two (2) weeks from when said material was placed thereon, except in situations where the weather does not permit the appropriate covering of said materials. Each day that said fill material remains on public or private property after two (2) weeks when placed thereon, except in cases of inclement weather, shall be a separate offense, punishable in accordance with the general penalty clause of the Code of Ordinances of the City of Tullahoma, Tennessee. (1988 Code, § 8-228, as replaced by Ord. #1386, March 2009)

**17-129. [Repealed.]** (1988 Code, § 8-229, as repealed by Ord. #1386, March 2009)