

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.
2. RESIDENTIAL SOLID WASTE COLLECTION.

CHAPTER 1

REFUSE

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17-101. Definitions. As used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section.

(1) "Business" shall include, but not be limited to wholesale, retail, professional or service establishments including, but not limited to, professional offices, restaurants, markets, all schools, hospitals, houses of worship, institutions, research facilities offices and gas stations. This term shall also include anyone who is required to have a business license under the State of Tennessee.

(2) "Refuse collector" shall mean any person, firm, corporation or political subdivision that collects, transport s, or disposes of any refuse within the corporate limits of the city.

(3) "Garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, from all public and private residences and establishments, but excluding recognizable industrial byproducts.

(4) "Other residents" shall mean persons not residents in the corporate limits of the city but residing in White County, Tennessee.

(5) "Person" shall mean any and all persons, natural or artificial, including any individual, business, firm, entity, or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.

(6) "Refuse" shall include garbage, rubbish, ashes, and all other putrescible, combustible and non-combustible material originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling art, sale of produce, and other similar unwanted materials from all residences and establishments, public and private, but shall not include sewage body wastes, or recognizable industrial byproducts.

(7) "Residence" shall mean a private dwelling serviced by a water meter and includes a unit in a multiple family dwelling, apartment or trailer serviced by a water meter; or an abode of more than two rooms.

(8) "Resident" shall mean the owner or occupant of a residence, dwelling, structure or other premises within the corporate limits of the city.

(9) "Rubbish" shall include all nonputrescible waste material, except ashes, from all public and private residences and establishments. However the term does not include liquid or solid hazardous waste.

(10) "Solid waste" shall mean garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include

solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows, or other common water pollutants liquid or solid hazardous waste.

(11) "Solid waste disposal" shall mean the process of placing, confining, compacting or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.

(12) "Solid waste disposal system" shall mean the relationship of the coordinated activities of and resources for processing and disposal of solid wastes either in a common geographical area and under the supervision of any person or persons engaging in such activities.

(13) "Solid waste processing" shall mean an operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including, but not limited to incineration, depositing, separation, grinding, shredding, and volume reduction.

(14) "Sanitation superintendent" shall mean the Sanitation Superintendent of the City of Sparta. (1978 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the corporate limits of the city are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in § 17-104 of this chapter. (1978 Code, § 8-202)

17-103. Disposal to be at approved site. No person shall deposit or permit to be deposited any garbage or refuse matter which will be offensive, noxious or dangerous to the public health, on his own premises or any premises under his or her control, or deposit such garbage or refuse matter in any back lot, vacant lot, public ground, park, alley, street, flood plain, or areaway, or in any other place within the city, except as is otherwise provided by law. The disposal of refuse in any quantity by any person in any place, public or private, within the city, other than at a site designated by the sanitation superintendent is expressly prohibited. (1978 Code, § 8-203)

17-104. Storage; use of commercial containers. Each owner, occupant or responsible person using or occupying any building, house, structure, premises or grounds within the corporate limits of the city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of suitable containers of a type described in § 17-105 of this chapter for the storage of such refuse between intervals of collection. When a commercial container (i.e. dumpster) is found to be the best way of collecting garbage for a commercial customer or an apartment complex, only the commercial customer or the apartment residents shall have the privilege to use that commercial container. Other persons who are found to be using commercial containers will be in violation of this chapter. (1978 Code, § 8-204)

17-105. Specifications as to size, kind and type of can and plastic bags. (1) All cans or containers contemplated by this chapter shall be strong, durable, rodent and insect resistant and shall be made of metal or other impervious material. No such can or containers shall be larger than thirty-two (32) gallons in size or capacity. All such cans or containers shall have a securely and tightly-fitting removable top. All such cans or containers larger than ten (10) gallons in size and capacity shall be equipped with two (2) handles, one handle on opposite sides thereof. The combined weight of any manually handled refuse container and its contents shall not exceed fifty (50) pounds. The maximum capacity shall not apply to mechanically handled containers.

(2) All plastic bags contemplated by this chapter shall be of a strength of two (2) mils and have a minimum capacity of twenty (20) gallons and a maximum capacity of thirty-two (32) gallons. All such plastic bags shall be securely tied at top and no more than fifty (50) pounds shall be placed therein.

(3) In no case shall the number of cans or approved plastic bags exceed four (4) per residence or place of business per week. (1978 Code, § 8-205)

17-106. Requirements for commercial containers. All automatic loading containers may be required to have a concrete pad with dimensions not less than nine (9) feet by fifteen (15) feet and such pad shall be located so that the refuse collector's truck can pick up the commercial container from the front. This requirement shall not prohibit the owner of any place of business using such devices to store the container at another location when not spotted for pickup. (1978 Code, § 8-206)

17-107. Location of containers. Refuse containers required by this chapter shall be placed in a convenient, accessible location for pick-up as directed by the sanitation superintendent. (1978 Code, § 8-207)

17-108. Issuance of building permit; certification of occupancy. Before building permits shall be issued for construction of commercial buildings and multiple dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the sanitation superintendent. No certificate of occupancy shall be issued by the codes enforcement officer for said premises until the sanitation superintendent's approval of these facilities has been obtained. (1978 Code, § 8-208)

17-109. Maintenance of containers. Refuse containers required by this chapter shall be maintained by the owner or lessee in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. The city's responsibility for its commercial containers shall be limited to painting and repairs as deemed necessary by the sanitation superintendent. (1978 Code, § 8-209)

17-110. Removal of defective containers. The sanitation superintendent or his designated agent is hereby authorized to confiscate and remove refuse containers from the premises of residences and business establishments, public and private, when such containers are not suitable for the healthful and sanitary storage of refuse. Such containers shall be removed and disposed of at a place and in a manner designated by the sanitation department only after the owner of such containers has been fully notified of such impending action. (1978 Code, § 8-210)

17-111. Wet refuse to be drained and wrapped. Wet refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it in the storage container. (1978 Code, § 8-211)

17-112. City collectors not responsible for removal from ground; preparation of lawn clippings, tree trimmings, leaves, packing material, building or construction debris, etc., for collection. In no case will it be the responsibility of the city refuse collectors to shovel or pick up from the ground any accumulations of refuse, including lawn clippings, tree trimmings, leaves, brush, and packing material from areas around approved cans, plastic bags or commercial containers. It shall be the responsibility of the property owner or agent to keep these areas clear of these materials. In no case will the city be responsible for removal of building or construction debris. (1978 Code, § 8-212)

17-113. Littering around or damaging garbage containers. It shall be unlawful for any person to scatter litter around a container, to overflow or overflow a container, or to damage any container. Litter means to knowingly and negligently place, throw, pile or overflow a garbage container or dumpster with any matter on public or private property with intent to leave the same. Damage means the denting, burning, or in any way defacing a garbage container or dumpster. (1978 Code, § 8-213)

17-114. Littering; handbills, etc. No person shall place on, deposit or leave exposed in any private yard, private driveway, or on any public street or public place in the city contiguous thereto, any handbills, unsolicited newspaper, or unsolicited material, after the owner or occupant of the private property has requested that any such person, corporation, or business refrain from so doing. (1978 Code, § 8-214)

17-115. Collection under jurisdiction of sanitation department. The collection of refuse within the city shall be under the jurisdiction of the sanitation department. (1978 Code, § 8-215)

17-116. Frequency of collection. The sanitation superintendent shall establish residential and commercial collection routes, days of the week, and hours for collection. All refuse shall be collected at sufficient frequent intervals to prevent the occurrence of nuisances and public health problems. (1978 Code, § 8-216)

17-117. Permit for private collectors required; exception. It shall be unlawful for any person or entity to engage in the business of, or offer the services of, garbage or refuse collection without having first obtained a permit from the state division of solid waste management for the operation of said service. (1978 Code, § 8-217)

17-118. Exceptions to permit requirement. Nothing in this chapter shall prevent:

(1) any licensed junk dealer, and or organization, profit or non-profit, from collecting refuse recognized as having salvage value, or that can be recycled or otherwise transformed into a usable substances, provided such dealer, organization may collect such salvageable, or recyclable, material only from premises where he has written invitation by the occupant.

(2) any refuse producer or owner from selling or giving salvageable or recyclable materials to licensed junk dealers and/or organization for collection, removal, and disposal. (1978 Code, § 8-218)

17-119. Collection vehicles. The collection of refuse within the city shall be by means of vehicles with beds constructed of impervious materials and easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and public thoroughfares. Provisions shall be made to prevent the scattering of refuse over the streets and thoroughfares, by effective coverings or closed truck beds. (1978 Code, § 8-219)

17-120. Deposit in streams, storm sewers, etc., prohibited. It shall be unlawful for any person to dump or Deposit refuse in any form into any stream, ditch, storm sewer, or other drain within the city. (1978 Code, § 8-220)

17-121. Burning. It shall be unlawful for any person to burn any garbage within the city. No other refuse shall be burned within the city, except in compliance with the applicable sections of this code. (1978 Code, § 8-221)

17-122. Authority of sanitation superintendent; methods of collection generally. (1) All collection of refuse within tie city shall be by methods approved by, the sanitation superintendent. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of collection.

(2) The sanitation superintendent shall have the authority to make such other reasonable rules and regulations concerning individual collection, refuse disposal, and transporting refuse over city streets.

(3) The sanitation superintendent shall also have the authority to determine the type, size, location, and number of commercial containers required to adequately and safely collect and/or store refuse. (1978 Code, § 8-222)

17-123. Scavenging. (1) When garbage or rubbish has been set out on a public street or alley for collection, no person except employees of the sanitation department or at duly authorized private hauler, shall remove any garbage or rubbish. The same shall apply to commercial containers provided for commercial collection.

(2) Ownership of garbage and refuse material set out for collection and/or deposited at the municipal disposal grounds shall be the property of the City of Sparta. Scavenging, scattering, collecting, and pilfering the garbage and refuse in any way is prohibited except by written permission from the sanitation superintendent. (1978 Code, § 8-223)

17-124. Special conditions. (1) Contagious disease refuse. The removal of wearing apparel, mattresses, other bedding or other refuse from homes or other places where highly infectious or contagious diseases are present shall be performed under the supervision of the sanitation superintendent. Such refuse shall not be placed in containers for regular collection.

(2) Inflammable or explosive refuse. Highly flammable 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 sanitation superintendent.

(3) Construction refuse. Quantities of refuse materials resulting from the repair, excavation, construction or destruction of buildings, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, tree limbs, wooden waste of 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 sanitation superintendent.

(4) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the sanitation superintendent.

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

(6) 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. (1978 Code, § 8-224)

17-125. City collectors not to enter private buildings or property to remove waste. City refuse collectors are prohibited from entering any privately owned structure, privately owned property, or portion of any such premises or property, for the purpose of removing refuse for collection. (1978 Code, § 8-225)

17-126. Exemptions. Any person or entity may exempt himself or herself from the provisions of this chapter by providing the sanitation superintendent with a copy of a current contract with a person or entity properly licensed and permitted to engage in the business of garbage or solid waste collection. (1978 Code, § 8-226)

17-127. Violations. Violations of the provisions of this chapter shall be punishable according to the provisions of the general penalty clause of this code. (1978 Code, § 8-227)

17-128. Yard waste, bulk rubbish, and other refuse.

(1) **Yard waste/brush collection.** (a) **Placement of brush for collection.** All brush (tree limbs, shrubbery, and hedge trimmings, etc.) must be placed at the edge of a street or serviceable alley easily accessible with city collection equipment. No item of yard waste placed out for disposal shall be placed on top of water/gas meters or valves, piled against utility poles, guy wires, fences or structures, or any item which could be damaged by collection equipment.

(b) **Piling of brush for collection.** All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones with butt ends pointed in the same direction. Brush must be cut to a length not to exceed eight (8) feet, not more than four (4) inches in diameter, stripped of all limbs so as to be easily handled by one man, and stacked in a pile of a size that approximates that of the bed of a pickup truck not to exceed four (4) feet in height and eight (8) feet in length. Brush collections will not be made where it is loosely scattered. A notice shall be given to the resident that collection cannot be made and the reason why it cannot be made.

(c) **Log maintained.** The superintendent of the street department will maintain a log of rubbish pick-up calls. When crews are available for this service, the log book will be checked and collections will be made on a first-called, first-served basis. Collections will be limited to one pickup per location or property owner per thirty (30) day period.

(d) **Separation of refuse.** No items of refuse may be mixed with brush trimmings. Mixing wire, metal, lumber, brick, rock, dirt, or similar items with brush trimmings is prohibited and collection shall be limited to separated items. Mixing leaves and grass clippings with other brush is also prohibited.

(e) Grass clippings and leaves. Except during seasonal leaf collection as outlined in (3) below, all leaves and grass clippings collected by the city shall be placed in plastic bags or other disposable containers.

(2) Refuse collection. Collection of refuse will not be made from lot or land clearing projects including remodeling or alterations of home or businesses or such other private projects or improvements. The city administrator or his designee shall have authority to establish a reasonable self-help program for residents who have unusual amounts of refuse, or unusual circumstances which would prevent hauling or disposal for themselves.

(3) Seasonal leaf collection. Fall leaf collection will begin between October 15 and November 15 depending on climatic conditions and will continue through December. The public Works department will schedule a two (2) weeks period in early spring in order to collect leaves from late shedding trees. The schedule will be announced through the local news media. Following this two (2) weeks period all leaves must be placed in plastic bags for collection.

(4) Removal of tree trimmings resulting from private contractor work. No person, partnership, corporation or association of any kind shall perform or conduct services for profit where trees are cut, trimmed or altered, and where an accumulation of brush, wood, debris or other refuse is the result of such work or service, without being equipped with a truck or other vehicle capable of removing said brush, wood, debris or other refuse to a proper disposal area. Said brush, wood, debris or other refuse shall be removed by the person, partnership, corporation or association causing or creating its accumulation. (1978 Code, § 8-228, as amended by Ord. #03-772, Nov. 2003)

CHAPTER 2

RESIDENTIAL SOLID WASTE COLLECTION

SECTION

- 17-201. Purpose.
- 17-202. Solid waste fees.
- 17-203. Residential solid waste.
- 17-204. Commercial solid waste.

17-201. Purpose. The purpose of this chapter is to establish policies and procedures for the efficient, sanitary and environmentally compliant collection and disposal of solid waste, brush, leaves, and debris within the City of Sparta and to establish service fees adequate to fund the current and future solid waste operations in the City of Sparta. (as added by Ord. #08-829, April 2008)

17-202. Solid waste fees. The following service fees shall apply to all customers as indicated below:

Residential rates inside the city limits:

All residential pickup \$7.00 per month

One (1) ninety-six (96) gallon cart shall be furnished by the City of Sparta at no charge and remains the property of the city. Additional carts may be purchased at the current cost of the cart to the city. The cost for additional carts is a one-time user fee and the carts remain the property of the city. If a resident moves to another location within the city, any additional carts that have been purchased may be taken to the new location provided the public works department is notified of the change of location. Otherwise, carts may not be removed from the assigned location within the city limits. Cart owners relocating outside the city limits shall not remove additional carts from the assigned location within the city. All carts shall be provided by the city and containers from other sources shall not be allowed.

Commercial rates inside the city limits:

Any customer needing more carts or a greater number of cart pickups than listed shall be required to use a dumpster and the charge will be according to the rate scheduled for dumpsters.

1-4 carts, once a week pick-up \$ 5.00 per cart / mo.
 1-4 carts, twice a week pick-up \$10.00 per cart / mo.

6 yard container \$10.00 per pick-up
 Plus a monthly rental fee for the 6 yard container \$15.00 per month

8 yard container \$ 10.00 per pick-up
Plus a monthly rental fee for the 8 yard container \$ 20.00 per month

Extra unscheduled pick-ups \$20.00 per pick-up.
(as added by Ord. #08-829, April 2008)

17-203. Residential solid waste. (1) All residents shall utilize sufficient city issued a ninety-six (96) gallon regulation containers to properly store one (1) week's accumulation of refuse (including garbage and rubbish).

(2) The public works director may require any residential household regularly exceeding ninety-six (96) gallons or two hundred (200) pounds of garbage in a collection period to purchase a second container from the city according to the provisions of § 17-202 herein, or to make other disposal arrangements as approved by the public works director.

(3) The public works director or person so designated by the director is herein authorized to authorize confiscation or removal of unsatisfactory storage containers from the premises of residences and establishments, public and private, when in the discretion of the public works director or his designated representative, such containers do not meet the requirements of this chapter. Such unsatisfactory containers shall be removed and disposed of only after the solid waste division has diligently attempted to notify the owner or owners of such containers.

(4) The solid waste division shall not be obligated to provide service where adequate containers are not provided.

(5) Containers are provided and assigned to residences for the health, safety, convenience and general welfare of the occupants and shall remain the property of the city at the property address where delivered. Containers that are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the city at the expense of the occupants or the owner of the residence. 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.

(6) It shall be unlawful for any person, other than the occupant-user, to move, remove, upset, scatter, tamper, use, carry away, deface, mutilate, destroy, damage or interfere with the garbage container, or any refuse left for collection.

(7) 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 at the edge of the alley where serviceable alleys are available, or in a city approved location for pick-up.

(8) 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, without the express permission of the city, on a public sidewalk, in the street, or in a drainage ditch.

(9) Containers shall be placed for collection no earlier than 7:00 P.M. on the day before collection, and no later than 7:00 A.M. on the scheduled day of collection. Containers must be removed from the curb, street, or alleyway no later than 7:00 P.M. on the day of collection.

(10) Construction waste and yard waste are hereby prohibited from being placed in the ninety-six (96) gallon or other city approved residential garbage collection containers.

(11) City garbage collectors shall not enter houses, stores, garages, or open gates for the collection of garbage or rubbish, nor shall they accept any money or valuable gifts for their services from persons served.

(12) All garbage or refuse must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it in any storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other method as often as necessary to prevent the breeding of flies and the occurrences of offensive odors.

(13) Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

(14) Collection of white goods stoves, refrigerators, freezers, window type air conditioners, shall be collected by the collection agency. Refrigerators and freezers, shall have doors removed or secured in accordance with Tennessee Code Annotated, § 39-6-104, and have all contents removed. White goods shall be stored out of public view until collection. The city shall not be responsible for the removal of water heaters, central heat and air systems or other commercially installed appliances.

(15) Excess waste not contained in approved containers may not be placed at the curb with the exception of December 23rd through January 7th of each year. During that two (2) week period, the city will collect excess residential waste for no additional fee. (as added by Ord. #08-829, April 2008)

17-204. Commercial solid waste. (1) Every commercial establishment shall place all garbage in a city approved container, and shall maintain the container and the surrounding area in a clean, neat and sanitary condition. All bulk containers shall be cleaned and disinfected on a regular basis.

(2) Any establishment that furnishes and maintains a bulk container, or containers suitable for handling by city equipment will be serviced by the city as required provided that such container shall be of sufficient size and number. Bulk containers shall at all times be kept in a place easily accessible to city equipment as approved by the solid waste director. At no time shall objects, obstructions, or vehicles hinder in any way whatsoever the servicing of said containers.

(3) All bulk containers to be serviced by city equipment shall be front-end loading enclosed, metal containers. Before any such container shall be serviced by the city, it shall be specifically approved by the solid waste director as to capacity, size, type and location. All containers shall be either six (6) or eight (8) cubic yards capacity.

(4) Bulk containers shall be placed on approved service pads to be constructed of six (6) inch thick concrete reinforced with steel and of a size of no less than twelve (12) by twelve (12) feet square or as specified by the public works director. Screening shall be permitted on three (3) sides only. A gate must be placed on the dumpster screening. Service of containers in gated enclosures may be provided by the solid waste division if the gates meet all specifications set by the department.

(5) Businesses using regulation ninety-six (96) gallon cans for collection shall provide sufficient containers to properly store one (1) week's accumulation of refuse. All businesses requiring any combination of four (4) or more regulation ninety-six (96) gallon containers, for weekly service shall be required to acquire regulation bulk containers for service.

(6) Nothing in this section shall prohibit commercial establishments or private residents from removing their own solid waste to an approved disposal site provided that solid waste service fees shall remain applicable. (as added by Ord. #08-829, April 2008)