

**ORDINANCE NO. 3395
BEING AN ORDINANCE AMENDING TITLE 17 OF THE
MORRISTOWN MUNICIPAL CODE BY MODIFYING THE REFUSE
COLLECTION FEE SCHEDULE AND OTHER CHAPTERS WHERE
NECESSARY TO MAKE SAME CONSISTENT WITH CURRENT
PRACTICES.**

SECTION I. BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MORRISTOWN, TENNESSEE that Title 17 of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 17-1

REFUSE AND TRASH DISPOSAL

CHAPTER 1

REFUSE STORAGE AND COLLECTION.

SECTION

17-101. Definitions.

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17-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) "Ashes." Such term shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.
- (2) "Collector." Any person who collects, transports, or disposes of any refuse within the city.
- (3) "Garbage." Such term shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.
- (4) "Health officer." The health authority of the city or his authorized representative.
- (5) "Refuse." Such term shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, but shall not include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.
- (6) "Rubbish." Such term shall include all nonputrescible waste materials, except ashes, from all public and private residences and establishments.
- (7) "Unusual, heavy, bulky or hazardous materials." Such term shall mean all materials which cannot be collected by regular residential collection service because of dimension, density, weight, or the harmful or potentially harmful nature of such material. Such materials shall include, but not be limited to, trees, tree limbs, tree branches, heavy brush, sod, turf, appliances, furniture, playground equipment, roofing material or refuse, bricks, concrete blocks, any and all other remodeling or construction materials or refuse, concrete, asphalt, rocks, dirt, lumber, pipes, lubricating oils, solvents, caustic acids or substances, and similar materials. (1979 Code, § 8-201, as amended by Ord. #2511, Aug. 1987)
- (8) The term "person" shall include any natural person, association, partnership, firm or corporation.
- (9) The term "mechanically-handled container" or "MHC" shall mean those containers distributed by the City for refuse collection.
- (10) The term "household" shall, for purposes of this ordinance, mean all residential living units and small commercial units within the City of Morristown, whether occupied or not, to which garbage and refuse pick up service is furnished by the City, and available for use, whether utilized or not.
- (11) The term "small commercial unit" shall mean any commercial unit requiring less than five MHC's.

17-102. Premises to be kept in clean and sanitary condition. All persons within the city shall keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. Such persons shall store such refuse between intervals of collection or dispose of such materials in an MHC or other manner as may be prescribed by the health officer so as not to cause a nuisance or become injurious to the public health and welfare. (1979 Code, § 8-202)

17-103. Containers required; specifications; location; cleanliness. (1) Each owner, occupant, tenant, subtenant, lessee, or others using or occupying any building, house, structure, or grounds within the corporate limits of the city where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall use an adequate number of MHC's for the storage of such refuse, or where capacity of the permitted number of MHC's is inadequate, use a commercially supplied container approved by the City's health officer.

(2) Mechanically-handled containers. The refuse collection agency of the city is equipped to only handle containers mechanically. These MHC's shall be used by all persons from whom trash is collected, except for those persons qualifying for opting out of the City's plan as described in § 17-110. MHC's damaged through no fault of the city will not be replaced without charge.

17-104. Confiscation of unsuitable containers. The official refuse collecting agency of the city is herein authorized to confiscate or to remove unapproved storage containers from the premises of residences and establishments, public and private, when, at the discretion of the inspections department, such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owners of such containers have been duly notified of such impending action. (1979 Code, § 8-204)

17-105. Disposition of wet garbage, leaves, light brush, lawn clippings, etc. Wet garbage. Wet garbage or refuse must be drained of all liquids and wrapped in paper or other suitable material prior to placing it in an MHC.

17-106. Disposition of unusual, heavy, bulky or hazardous materials. Special collection of unusual, heavy, bulky or hazardous materials will be provided only to owners of residential property. However, in no case will the city collect such materials from residential property which were created or generated by a commercial business performing work of any kind at or on the residential property, or which were created or generated by both the property owner or resident and a commercial business performing work of any kind, separately or together, at the same time or different times, at or on the residential property. Commercial businesses shall include, but not be limited to, tree trimmers and tree services, roofers, construction or remodeling contractors of every kind and description, concrete and asphalt pavers, and landscape, nursery or yard services. The property owner or resident in either of the cases outlined above shall be solely responsible for insuring that the commercial business which created or generated all or a part of such materials removes all of the materials. The failure of such commercial business to remove all of the materials at the request or demand of such property owner or resident shall not relieve such property owner or resident from the responsibility of removing such materials.

Special collection of unusual, heavy, bulky or hazardous materials will be made by the city on residential property only to the extent that such special collection can be made safely by a crew of two men and one truck in one trip, not using any special equipment. The removal of any whole or part of such material the city determines that it cannot safely remove according to the terms and limitations of this section shall be the sole responsibility of the property owner or resident. (Ord. #2511, Aug. 1987)

17-107. Permit required for collecting refuse. No person shall engage in the business of collecting refuse or removing the contents of any refuse container, for any purpose whatsoever, who does not possess a permit to do so from the city. Such permits may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. The City Administrator is authorized to promulgate and publish minimum standards required to qualify for such a permit. Such permits may be suspended or revoked upon the violation of any of the terms of this chapter. (1979 Code, § 8-207)

17-108. Maximum intervals for refuse collection. All refuse shall be collected frequently to prevent the occurrence of nuisances and public health problems. Such collections shall normally be made at regularly scheduled intervals of not less than once each week. The collection of refuse within the city shall be under the direct supervision of the city administrator or his authorized representative. (1979 Code, § 8-208)

17-109. Vehicle requirements. The collection of refuse shall be by means of City vehicles, or in the case of private collectors and haulers, 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.

17-110. Fees established, collection rules and regulations.

1. **Fee established.** There is hereby established a residential and small commercial garbage service user fee to be charged to and collected from each household unit and small commercial unit in the city of Morristown, Tennessee on a monthly basis.
2. **Fee amount.** The residential and small commercial garbage service user fee is established at the rate of ten dollars (\$10.00) per month per MHC located at the premises.
3. **Excluded service.** The city will not provide garbage collection for industrial or large commercial units.
4. **Placement of MHC's.** All refuse must be placed in the MHC at the curb of a public city street prior to 7:30 a.m. on the designated collection day and removed the same day.
5. **Provision of MHC's.** One MHC's will be furnished at no cost and additional MHC's may be purchased, all as shown in the following table. If the allowable number of MHC's is insufficient to service the unit(s), then the unit(s) must contract with a permitted collection hauler for collection service. The following table shows the number of MHC's furnished by the City and the number of MHC's which may be purchased for the various units.

<u>CUSTOMER</u>	<u>FURNISHED</u>	<u>PURCHASE</u>
Small commercial, single family, town homes, separately-owned condominiums	1	1
2, 3, or 4 unit structures	2	2
5 or 6 unit structures	3	3
7 or 8 unit structures	4	4
9 or 10 unit structures	5	5

The maximum number of MHC's, including purchased MHC's, at a single structure multi-family dwelling, shall not exceed 10 carts. Multi-family dwellings within the same complex under separate ownership will be considered as separate structures. For example, if three 10-unit structures are located in one complex and each is separately owned, then 15 MHC's would be furnished.

17-111. Disposal of garbage and refuse; depositing in private containers. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than the sites designated by the city is prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health; provided, that such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal; and provided further, that no garbage shall be fed to swine unless such garbage has first been heated to at least two hundred and twelve degrees Fahrenheit and held there at least thirty minutes in apparatus and by methods approved by the inspections department. Animal offal and carcasses of dead animals shall be buried or cremated under circumstances approved by the inspections department, or shall be rendered at forty pounds per square inch steam pressure or higher, or similarly heated by equivalent cooking.

17-112. Depositing garbage, etc., on streets, etc., prohibited. No person shall throw any garbage or other vegetable matter on any of the streets or other public places of the city. (1979 Code, § 8-212)

17-113. Service of orders by the inspections department. It shall be the duty of the inspections department to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants, or lessees of such properties where violations of this chapter are known to exist. Such orders shall provide that such violations be corrected within the time specified by the inspections department. (1979 Code, § 8-213)

17-114. Penalties for violations of this Ordinance. A violation of this ordinance excluding failure to timely pay a user fee shall subject the violator to a civil penalty of up to fifty dollars (\$50.00). Each day a violation continues shall constitute a separate violation. It shall be unlawful to refuse or neglect to pay the monthly garbage service user fee. Each bill is due in full thirty days from the billing date. Each thirty day period that the service fee remains unpaid shall subject the violator to a separate fifty dollar (\$50.00) civil penalty for non-payment.

SECTION II. This ordinance shall become effective as of July 1, 2010, the public welfare requiring same.

PASSED ON FIRST READING THIS 15TH DAY OF JUNE 2010.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS 17TH DAY OF JUNE 2010.

MAYOR

ATTEST:

CITY ADMINISTRATOR