

**TITLE 17**

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

**CHAPTER**

**1. GARBAGE AND TRASH.**

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**GARBAGE AND TRASH**

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**17-101. Definitions.** For the purpose of this chapter the following words and phrases shall have the meanings herein:

(1) "Commercial refuse" shall mean all waste products not otherwise defined as industrial waste, generated by retail, wholesale, office business, institutional, or industrial businesses not producing industrial waste.

(2) "Garbage" shall include every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, and tin cans or other containers originally used for food stuffs.

(3) "Hazardous waste" means any chemical, compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful. Hazardous waste includes but is not limited to any material classified as "hazardous" under state or federal law.

(4) "Industrial waste" shall mean all such waste produced by industrial, manufacturing or processing plants, including hazardous waste and not eligible for any of the other classifications.

(5) "Pathogenic waste" shall mean all or parts of organs, bones, muscles, other tissues and organic waste of human or animal origin, laboratory cultures, and infective dressings and other similar material.

(6) "Public place" shall include parks, water or open spaces adjacent thereto, public yards, grounds and areas and all open spaces between buildings and streets and in view of such streets.

(7) "Rubbish" includes all nonputrescible solid waste consisting of both combustible and non-combustible waste such as paper, cardboard, plastic, glass, crockery, excelsior, sloth and similar materials. It shall not include:

(a) Bulky items such as stoves, refrigerators, water tanks, television sets, washing machines, or discarded items of furniture;

(b) Tires, automobile or truck parts;

(c) Discarded lawn items such as gym-playground equipment, lawnmowers, grills, or lawn furniture; and

(d) Similar bulky materials having a weight greater than fifty

(50) pounds and/or a volume greater than thirty-two (32) gallons.

(8) "Yard refuse" shall include leaves, small shrubs, lawn clippings, branches and trees cut down by property owners or occupants and cut into pieces no longer than eighteen inches (18"), and weighing no more than thirty (30) pounds, and being no greater than two inches (2") in diameter. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-102. Jurisdiction.** (1) The removal and disposition of all garbage, rubbish, yard refuse, commercial refuse, pathogenic waste and industrial waste from premises in the city shall be under the jurisdiction of the city manager or his designee.

(2) Each single family, duplex and triplex dwelling unit in East Ridge shall be required to use the city sanitation service for garbage removal. In no case shall any such residential units be combined into a single customer.

(3) Commercial customers shall use containers provided by the city, and each business, like residential customers, shall be considered a separate customer. Commercial customers, unless contracting for dumpster service from a permitted waste collector, shall be required to use the city's service. Multi-family dwellings (four (4) or more residential units per building) shall be considered a commercial customer and may either contract for private dumpster service or have the city provide containers at the commercial rate.

(4) The city manager or his designee may provide for the collection and removal of wastes subject to this chapter from any place or premises at times in addition to those when regular collection service is provided. He shall also have the authority to provide for the collection and removal of such wastes above and beyond the extent of any regularly scheduled collection in time of emergency. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-103. General discharge prohibitions.** No residential, commercial, industrial, office, institutional, or non-profit land user shall dispose of refuse, rubbish, garbage, yard refuse, pathogenic waste, industrial or hazardous waste other than as provided in this chapter. Any person, business, or organization found disposing of garbage, rubbish, or other wastes subject to this chapter except as herein provided shall be cited for violation of this chapter. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-104. Rules and regulations to implement chapter.** The city manager may make such rules and regulations as are not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this chapter. The city manager shall, in the administration of this chapter, cause all persons to fully comply with all state and federal statutes and regulations which may be applicable to the disposal of all types of waste material subject to this chapter. The city manager shall have no power to make any regulation inconsistent with any such state or federal statute or regulation. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-105. Collection and disposal of industrial waste, hazardous waste, pathogenic waste, radioactive waste and salvageable materials for reclamation.** (1) Industrial and hazardous waste. All industrial and hazardous wastes shall be disposed of by the industry, generator, manufacturer

or processing plant generating such waste under such methods and conditions as shall be approved by the city manager. Such industries may apply for a special permit as a private collector or may dispose of industrial waste by license private collectors. The disposal of industrial and hazardous waste subject to this chapter excludes, by definition, any waste subject to the terms of title 18 (Sewer Use Ordinance). Garbage and rubbish not consisting of industrial, pathogenic or hazardous waste will be collected by the city.

(2) Pathogenic and radioactive waste. All pathogenic and radioactive wastes shall be disposed of by the hospital, institution or office generating such waste under such conditions as shall be approved by the city manager and shall be in compliance with all applicable ordinances, and state and federal laws and regulations.

(3) Salvageable materials for reclamation. Persons engaged in collecting or purchasing for resale paper, cardboard, rags and scrap metals or other materials for reclamation purposes shall be exempted from the provisions of this chapter except as to those provisions and regulations of the city manager and ordinances which pertain to maintaining standards of health and cleanliness, preventing nuisances, preventing interference with trash containers and preventing littering. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-106. Container provided.** (1) Duty to have containers. It shall be the duty of every person in possession, charge or control of any premise where garbage or rubbish is created or accumulated, and in the case of multiple dwellings or multiple occupancy; the owner or renter of such premises, at all times to keep or cause to be kept a sufficient number of containers or disposal containers as described in § 17-110(3) for the deposit of garbage and rubbish generated on the premises.

(2) Container requirements. Containers use for the deposit of garbage or rubbish for collection by the city shall be in good condition and equipped with secure lids so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. Individual (can type) containers shall not be larger than twenty-five inches (25") in diameter and thirty inches (30") in height nor smaller than fourteen inches (14") in diameter and sixteen inches (16") in height commonly known as thirty (30) gallon and twenty (20) gallon containers). Lids and covers of such containers shall be kept tightly closed at all times other than when garbage or rubbish is being deposited therein or removed therefrom.

(3) Commercial containers. Commercial containers, other than dumpsters provided by permitted collectors, shall be approximately ninety-five (95) gallons in size and shall only be required from the city at a cost determined from time to time by the city council.

(4) All individual (can type, non-commercial) containers shall be made of plastic or galvanized metal materials and shall be kept watertight at all

times. Sufficient additional containers shall be provided within the premises for receiving and holding, without leakage and spillage, all ashes, rubbish and waste matter other than garbage except as set forth in § 17-110.

(5) Commercial and industrial customers shall place all eligible refuse in dumpsters provided by permitted collectors, or in containers owned by the city. Failure to do so could result in such commercial customer having to make arrangements for private refuse collection. (Ord. #591, June 1995, as amended by Ord. #606, Feb. 1996, Ord. #837, March 2008, and replaced by Ord. #914, June 2012)

**17-107. Safe premises for collection; location of containers.** (1) It shall be incumbent upon tenants, lessees, occupants and owners of premises to provide a safe, convenient and accessible location near the edge of city rights-of-way for the purpose of collecting garbage and not closer than three feet (3') to any other object, such as mailbox, planter or otherwise. All containers to be emptied shall be placed within five feet (5') of paved streets. Containers shall be placed where collectors may pick up and empty them without attack from animals. The city manager may be appropriate regulations provide for the location of containers. City garbage collectors shall not enter houses or stores for the collection of garbage or rubbish.

(2) 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. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-108. Garbage wrapped; mixing with ashes, rubbish.** There shall be no ashes, hazardous materials or toxic materials as may from time to time be defined by applicable state and/or federal law. All garbage shall be kept in a separate container conforming to the requirements of this chapter. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-109. Dumps and fills, other places of disposal.** The city may establish or designate, through contract with other public or private agencies, sanitary landfills, transfer stations, incinerators or other places of disposal as may be necessary, and no person or entity shall use any other place of disposal except with the approval of the city manager after advice and consent of the mayor and council. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-110. Collectible rubbish: leaves, grass, trimmings, trees and paper.** (1) Leaves, grass cuttings, garden trimmings, weeds and roots from which all dirt has been removed shall be deposited within five feet (5') of the street line where garbage and rubbish service is normally provided. The city manager may grant waivers of this section in cases of hardship. Leaves are not

to be bagged and shall be placed adjacent to the property line from which collections are normally made.

(2) Leaves, grass cuttings, shrubs, branches, weeds and roots shall not be placed in containers along with residential or commercial waste.

(3) Disposal containers for such rubbish or leaves shall be cardboard cartons or plastic bags or moisture resistant paper bags, and such containers shall have tops, ties or other means of preventing spillage, scattering or blowing away of the rubbish and be moisture proof or kept dry, and be of sufficient strength to contain the refuse without spillage during handling. The containers shall not exceed in size the approximate capacity of a thirty (30) gallon regulation garbage container, which is considered the maximum size for manual lifting by a collector.

(4) Magazines and newspapers shall be bundled and securely tied.

(5) Shrubs and tree trimmings shall be separated from other refuse and neatly piled adjacent to the front property line.

(6) Limbs or logs in excess of two inches (2") in diameter will not be collected by the city.

(7) Christmas trees placed adjacent to the front property line will be picked up during the Christmas season and through the first day of February. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-111. Collection schedules and requirements.** The city reserves the right to establish collection schedules and requirements as may be necessary. The city shall establish separate schedules for the collection of recycling, leaves, grass cuttings, shrubs, branches, and sticks less than two inches (2") in diameter.

In no case shall any user of the city's garbage collection service place their refuse for collection at the appropriate location prior to 4:00 P.M. on the day immediately before the day of scheduled service. (Ord. #591, June 1995, as amended by Ord. #606, Feb. 1996, and replaced by Ord. #914, June 2012)

**17-112. Removal of contractor's materials, debris, tree trimmings, etc. by contractor.** All contractor's materials including, but not limited to, trimmings from trees, cuttings, shrubbery, wallpaper, plaster or other debris from building operations, package, etc., shall be hauled away from the premises where work has been performed by said contractor and shall be properly disposed of by the contractor. For purposes of this section, a contractor shall include, but is not limited to, a person who performs what is commonly referred to as "yard work" or "landscaping" services which results in the generation of trimmings from trees, cuttings and shrubbery. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-113. Exclusive collection.** It shall be unlawful for any person other than the city to engage in the business of collecting, removing or disposing of

garbage and rubbish in the city except when specifically authorized by a city contract or permit. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-114. Building debris; responsibility for removal.** Building debris such as scrap lumber, carpet, plaster, roofing, concrete, brickbats, and sanding dust resulting from the construction, repair, remodeling or demolition of any building or appurtenances on private property will not be removed by the city, and the owner must privately move or cause to be moved such materials and waste. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-115. Nuisances prohibited.** It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the corporate limits of the city of garbage, rubbish, or other waste subject to this chapter in such a manner that it becomes offensive or deleterious to health or likely to cause disease, and such keeping is hereby declared a public nuisance. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-116. Interference with containers.** No person other than the owner of person lawfully in control of any premises, or any authorized employee of the city or an authorized employee of a person licensed by the city for the collection or removal of garbage, rubbish, or other wastes subject to this chapter, shall interfere in any manner with a container used for the accumulation or handling of garbage, rubbish, or other such waste, or remove any such container from the location where it shall have been placed by the owner or person lawfully in control of the premises; nor shall any such person remove the contents from any such container. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-117. Place for disposal of waste materials.** (1) It shall be unlawful for any person to dispose of or cause to be disposed of any garbage, rubbish, or other waste subject to this chapter upon any property other than a garbage dump or sanitary landfill or as otherwise provided by the provisions of this chapter.

(2) It shall be unlawful for any person to deposit or permit or suffer his agents, servants or employees to deposit garbage, yard refuse or other waste subject to this chapter in or about the anti-litter cans or like receptacles provided by the city in various public places in the community. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-118. Littering prohibited.** It shall be unlawful for any person to place any garbage, straw, dirt, chips, shells, nails, iron, glass, fruit peelings, melon rinds, paper shavings, rags or other rubbish, limbs, leaves, trimmings, stumps, or obnoxious substance from any street, sidewalk, alley, public park, parkway, drainage ditch, sewer easement, other utility easements, square or

other place in the city or on the property of another person, or to violate any of the requirements of this chapter. The violation of any of the requirements of this chapter shall be punishable as provided in this city code. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-119. Open burning of garbage prohibited.** It is hereby declared to be a misdemeanor for any person to start or maintain, or cause to be started or maintained, any open ground fire or any fire in an open can, barrel or other open container for the purpose of burning or consuming refuse or garbage, upon any property, either public or private, within the city, except as provided in the fire prevention code of the city, and permitted under local and state air pollution control ordinances and regulations. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-120. Premises to be kept clean.** All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-121. Removal after emptying.** After the garbage, brush, limbs or other refuse has been emptied out of a receptacle by employees or contractors of the city, the person owning such receptacle shall remove same from the streets or sidewalk as soon as possible and within twenty-four (24) hours after such emptying. (Ord. #591, June 1995, as replaced by Ord. #914, June 2012)

**17-122. Sanitation fee special assessment.** In accordance with the East Ridge City Charter, section 2, Corporate powers (chapter dated December 23, 2008), there shall be a sanitation fee assessment billed annually as an aggregate annual assessment to the property owners of the City of East Ridge at the same time and on the same billing as the real estate property taxes are billed to property owners and shall be paid at the time and in the manner that all real property taxes are paid and collected in the City of East Ridge pursuant to such procedures and requirements as may exist from time to time as follows:

(1) On every property in the City of East Ridge which has residential assessment for purposes of property tax an annual special assessment of one hundred eighty dollars (\$180.00) shall be levied plus sixty dollars (\$60.00) for each additional garbage cans which have been previously requested for the property as of July 1, 2012 up to a maximum of four (4) cans.

(2) On every property in the City of East Ridge, which has a commercial assessment for purposes of property tax an annual special assessment of two hundred forty dollars (\$240.00) shall be levied plus sixty dollars (\$60.00) for each additional garbage cans which have been previously requested for the property as of July 1, 2012 up to a maximum of four (4) cans.



(3) The Hamilton County Tax Assessors' Office shall collect from the property owners all sanitation fee assessments due, including any interest or other charges due thereon, until such assessments, charges and interest are paid in full. (as added by Ord. #760, Nov. 2003, replaced by Ord. #865, July 2009, and Ord. #914, June 2012, and amended by Ord. #954, Sept. 2013)

**17-123. Rebate.** The City of East Ridge, may in the discretion of the city manager, rebate up to forty percent (40%) of the sanitation service fee collected for any resident that provides financial documentation relating to their inability to pay, including but not limited to documentation showing an annual household gross income in an amount less than eighteen thousand dollars (\$18,000.00) per year. The rebate section would not apply to business owners. (as added by Ord. #760, Nov. 2003, and replaced by Ord. #865, July 2009, and Ord. #914, June 2012)

**17-124. Penalty.** Delinquent fees owed by any property owner will incur interest at the rate of one point five percent (1.5%), or such higher rate as the Hamilton County Tax Assessor may impose from time to time against delinquent taxes. Any property owner who fails to pay the sanitation service fee in a timely manner or provides inaccurate information as required in § 17-122(3) above shall be punished to the maximum extent allowed by law for a violation of an East Ridge city ordinance. (as added by Ord. #914, June 2012, and replaced by Ord. #954, Sept. 2013)

**17-125. Bulk item fee.** A fee will be assessed on multi-dwelling/rental property--bulk item pickup based on time/services/personnel required, to be determined by the city manager and/or sanitation supervisor. (as added by Ord. #914, June 2012)

**17-126. Permit fee for private waste disposal company.** (1) Permit. Effective October 1, 2009, every private waste disposal company must have a permit to operate in the City of East Ridge, Tennessee. In the event a private waste disposal company does not obtain such permit, said company shall not be allowed to operate in the City of East Ridge, Tennessee.

(2) Permit fee. Effective October 1, 2009, an annual permit fee shall be assessed to all private waste disposal companies operating in the City of East Ridge, Tennessee. The permit fee shall be thirty dollars (\$30.00) per year for each vehicle operating in the City of East Ridge, Tennessee. The permit fee shall be payable upon application by any such private waste disposal company operating in the City of East Ridge, Tennessee on such application form as shall be prescribed by the city manager or the city manager's designee.

(3) Penalties. Penalties for the first violation of failure to obtain said permit shall be an amount equal to two (2) times the permit fee together with all other penalties provided by the East Ridge City Code.

The penalty for all additional failures to obtain said permit shall be three (3) times the permit fee together with all other penalties provided by the East Ridge City Code. (as added by Ord. #914, June 2012)

**17-127. Commercial operations.** Commercial operations shall have no more than four (4) trash containers. Commercial operations requiring more than four (4) trash containers shall be required to have dumpster services but shall still be subject to the minimum special assessment in § 17-122(2) herein. All additional trash containers for commercial operations shall be an additional five dollars (\$5.00) per month charge. All solid waste shall be contained in a closed-lid city approved trash container. (as added by Ord. #914, June 2012)

**17-128. Additional cans.** Notwithstanding anything to the contrary in this chapter of the of the East Ridge City Code, both residentially assessed and commercially assessed properties as those terms are used in § 17-101 of this chapter may have trash containers in excess of the amount set forth in § 17-106 of this chapter not to exceed a total of ten (10) cans provided, however, that the cost for such additional can shall be paid one (1) year in advance at the time such cans are requested. Such applicant for residentially assessed or commercially assessed property shall complete such paperwork and/or application as shall be required by the city manager or the city manager's designee and the cost for such additional can shall be determined from time to time by the city manager or the city manager's designee, but in any event not to be less than one hundred dollars (\$100.00) per can with such amount to be paid one (1) year in advance. The cost for these additional cans shall not be part of the special assessment but must always be paid for at city hall or such other places designated by the city manager and shall always be paid at least one (1) year in advance on the anniversary date of the request of such can or cans. (as added by Ord. #928, Sept. 2012)

**17-129. Unimproved property.** All unimproved property shall be exempt from the sanitation special assessment. Such unimproved property shall not be entitled to garbage service, brush pick-up or recycle services. (as added by Ord. #936, Nov. 2012)