

ORDINANCE 2018-1023

AN ORDINANCE TO AMEND TITLE 17 OF THE MOUNT PLEASANT MUNICIPAL CODE RELATING TO REFUSE AND TRASH DISPOSAL BY REPEALING CHAPTERS 1 AND 2 IN THEIR ENTIRETY AND REPLACING TITLE 17, CHAPTERS 1 WITH A NEW CHAPTER PERTAINING TO REFUSE.

BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That Title 17, Chapters 1 & 2 of the City of Mount Pleasant's Municipal Code is hereby deleted in its entirety and replaced with a new Title 17, Chapter 1 as follows:

CHAPTER 1

REFUSE

17-101. Premises to be kept clean.

17-102. Refuse defined.

17-103. Responsibility of Administration.

17-104. Storage.

17-105. Cost of refuse containers.

17-106. Location of refuse containers.

17-107. Collection.

17-108. Refuse collection service fee.

17-109. Applicability.

17-110. Prohibited substances and practices.

17.111. Construction waste.

17-112. Repairing and replacing refuse containers.

17-113. Penalties.

17-101. Premises to be kept clean. All persons, firms, and corporations 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 so as not to cause a nuisance or become injurious to the public health and welfare.

17-102. Refuse defined. Refuse shall mean and include garbage and rubbish as those terms are generally defined, and small amounts of bagged leaves, lawn clippings, or brush, but shall not include sewage, body wastes, dead animals and fowls, hazardous wastes, recognizable industrial or medical by-products, ashes, rocks, concrete, bricks, yard waste or junk or bulky items that do not fit inside the refuse container..

17-103. Responsibility of Administration. (1) The Community Services Director, or his authorized representative, shall have the authority to make and modify regulations as necessary concerning the days of collection, location of refuse for pick-up, and such other matters pertaining to the collection, transporting and disposal of refuse; provided that such regulations are not in violation of this chapter.

(2) The Community Services Director, or his authorized representative, shall be responsible for the enforcement of this chapter.

17-104. Storage. (1) Each owner, occupant, tenant, sub-tenant, lessee or other responsible person using or occupying any building, house, structure, or grounds within this city where refuse accumulates or is likely to accumulate, shall be responsible for obtaining an adequate number of suitable refuse containers to store the refuse accumulated at such property.

(2) All refuse must be drained of all liquids and placed in trash bags prior to placing into the refuse containers. The refuse containers must 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 occurrence of offensive odors.

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(3) Refuse containers must not be overfilled and lids to refuse containers must be completely closed.

17-105. Cost of refuse containers. (1) The refuse containers shall be provided by the Community Services Department of this city as follows:

(a) One (1) ninety-six (96) gallon refuse container will be assigned to each residential and commercial property within the city at no cost when the service is first added to the mechanical collection system.

(b) Residential and commercial service locations may obtain from the city up to five (5) additional ninety-six (96) gallon refuse containers. A ten-dollar (\$10.00) service fee per month will be added for each additional ninety-six (96) gallon refuse container for residential and commercial service locations.

(c) The city will provide metal dumpsters upon request. A service fee of eighty dollars (\$80) per month will be added for the pickup of city-provided dumpsters. The city will pick up occupant-owned dumpsters for a service fee of forty dollars (\$40) per month.

17-106. Location of refuse containers. It shall be the responsibility of each occupant, on the scheduled day of collection, to place his or her refuse container on the curbside as follows:

(1) The refuse container shall be placed within two (2) feet of the curb, or ditch or street line if there is no curb, with the wheels and handles on the refuse containers adjacent to and back of the curb, ditch, or street line. The arrow on the lid and front of the container should point towards the street. The refuse collection vehicles do not service alleys.

(2) Refuse containers shall not be placed in such a manner as to interfere with overhead powerlines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance.

(3) Refuse containers shall not be placed, without the express permission of the city, on a public sidewalk, in the street, or in a drainage ditch.

(4) The Community Service Department may accommodate individuals with walking or other range of motion impairments. The Community Services Director and individuals will agree to place the containers at a location convenient for the individual and readily accessible to the City.

(5) Refuse 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 curbside no later than 7:00 P.M. on the day of collection.

17-107. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the Community Service Department of this city. Collections shall be made weekly in accordance with an announced schedule.

Refuse will be collected on all weekdays except New Years' Day, Martin Luther King, Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Black Friday, Christmas Eve, and Christmas Day.

The city will not collect refuse unless it is properly stored in accordance with the provisions of this chapter and such regulations as the city manager shall prescribe. Collection crews will not pick up spills or litter resulting from unbagged refuse, overfilled refuse containers, or scavenging.

17-108. Refuse collection service fee. The following monthly fee schedule for refuse collection services within the city is hereby established:

RESIDENTIAL	One pick-up per week.	
	Regular customers:	\$17.50
	Senior citizens ¹ :	\$16.50

¹ Persons 65 years of age in whose name the meter is billed with a total household annual income from all sources not to exceed the income limit as set forth by the State of Tennessee Property Tax Relief Program under T.C.A. § 67-5-702 and totally and permanently disabled persons drawing social security benefits in whose name the meter is billed with a total

COMMERCIAL	One pick-up per week.	\$25.00
	Each additional pick-up	\$25.00

Such fees may be altered, amended, or changed by resolution or ordinance.

17-109. Applicability. Refuse collection fees and refuse container fees as outlined in this title shall be assessed all users, including commercial, industrial, residential, and civic clubs, schools, churches or other church-owned properties or other properties where the refuse service is available. No properties, residents, businesses, or organizations shall be exempt from the fees unless the unit is not connected to either a public water service, natural gas service, or electricity service. No properties shall have the option of refusing the service or refusing to pay the basic refuse fees assessed by the city, unless the owner of the property provides the city with sufficient evidence to show that the property is not occupied, and refuse is therefore not accumulating. The city manager shall have discretion in determining whether a property is occupied for purposes of this section and shall provide the property owner with a written determination of the city manager's decision. A properties' exemption from the basic refuse fee shall last for no more than six (6) months from the date of the city manager's determination on non-occupancy; basic refuse fees will be assessed by the city upon the expiration of the exemption term. Failure to pay refuse fees as assessed by the city shall further be grounds for termination of utility service.

17-110. Prohibited substances and practices. (1) The following substances are hereby prohibited and shall not be deposited in refuse containers:

(a) Flammable liquids, solids or gases, such as gasoline, benzine, alcohol or other similar substances.

(b) Any material that could be hazardous or injurious to city employees or which could cause damage to city equipment.

(c) "Construction waste" as defined in § 17-111.

(d) Hot materials such as ashes, cinders, etc.

(e) Human or animal waste shall be prohibited being placed in garbage containers unless it is placed and secured in a plastic bag or suitable paper bag.

(f) Infectious waste and hypodermic syringes.

(2) 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 refuse container.

17-111. Construction waste. "Construction waste" shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, dirt, bricks, fill, plaster, and all types of scrap building materials. The city shall not be responsible for the collection and disposal of "construction waste". The removal and disposal of such materials shall be the responsibility of the construction contractor, developer or property owner.

17-112. Repairing and replacing refuse containers. (1) Occupant users are responsible for the cost of repair or replacement by the city of lost, stolen, or vandalized refuse containers. Replacement refuse containers cost \$75.00 each. The City Manager has discretion to waive the replacement cost for good cause shown. This charge may be paid over ten months in the regular sanitation collection bill.

(2) Containers damaged during collection will be repaired or replaced by the city as soon as possible.

household annual income from all sources not to exceed the income limit as set forth by the State of Tennessee Property Tax Relief Program under T.C.A. § 67-5-702.

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(3) Refuse containers are not transferable from one property to another as they have serial numbers and are assigned to service locations, not a person or business.

17-113. Penalties. Violators of the provisions of this chapter shall be cited to city court and shall be subject to a fifty dollar (\$50.00) fine per day of violation.

JAMES L. BAILEY, MAYOR

ATTEST:

LORETTA GARNER, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____