

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 17 OF THE COVINGTON MUNICIPAL CODE, RELATIVE TO REFUSE AND TRASH DISPOSAL.

Be it enacted by the Board of Mayor and Alderman, that:

Section 1. Title 17 Chapter 1 of the Covington Municipal Code is amended by deleting the current language in its entirety and substituting instead the following:

Section 2. This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it.

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1 SOLID WASTE

SECTION

- 17-101. Definitions.
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- 17-106. Refusal of service
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- 17-110. Nurseryman, lawn services; duty to remove trash.
- 17-111. Building debris; responsibility for removal.
- 17-112. Bulk item pickup.
- 17-113. Residential refuse.
- 17-114. Commercial refuse.
- 17-115. Special services
- 17-116. Schedule of fees and frequency of collection.
- 17-117. Penalties.

17-101. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) “**Ashes**” 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) “**Bulk Container (*Dumpster*)**” shall mean a steel waste receptacle of not less than two cubic yards and not more than eight cubic yards designed for the storage of solid waste.

- (3) **“Bulk Refuse”** means that refuse such as stoves, refrigerators, water tanks, washing machines, broken furniture or similar bulky material having a weight greater than 75 pounds and volume greater than 30 gallons.
- (4) **“Bulky items”** include household furniture, mattresses, approved appliances (as listed in paragraph 3 above), and collapsed bound boxes.
- (5) **“Commercial refuse”** means refuse resulting from the operation of any commercial, wholesale, industrial, institutional or agriculture establishment.
- (6) **“Construction waste”** shall mean materials from construction, demolition, remodeling, construction site preparation, including but not limited to rocks, trees, debris, bricks, fill, plaster, and all types of scrap building materials.
- (7) **“Garbage”** shall include putrescible (that which is liable to decompose, rot or decay) animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (8) **“Grass clippings”** shall mean any residue remaining from the cutting, clipping, or trimming of grass from any parcel in the City of Covington.
- (9) **“Hazardous refuse”** 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, including all substances that are listed as hazardous by the State and Federal guidelines.
- (10) **“Health Officer”** shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality.
- (11) **“Infectious waste”** means waste which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. Infectious waste includes, but is not limited to, cultures and stocks of infectious agents from medical, pathological, research and industrial laboratories, human blood and blood products, pathological wastes, discarded hypodermic needles, syringes, and scalpel blades used in patient care or which have come into contact with infectious agents, contaminated animal carcasses, body parts and bedding that we intentionally exposed to pathogens in research, and any other waste determined to be infectious by a written facility policy.
- (12) **“Industrial waste”** means all such wastes peculiar to industrial, manufacturing or processing plants, and shall include hazardous refuse.
- (13) **“Roll out container”** shall mean a standard city issued 90-gallon container designed for the storage of solid waste. It shall be watertight with wheels and a permanently hinged top.
- (14) **“Rubbish”** means non-putrescible solid waste such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.
- (15) **“Refuse”** shall include bulk refuse, garbage, rubbish, yard waste, 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 waste, recognizable industrial or medical by-products, dead animals and fowls, hot ashes, rocks, concrete bricks, and similar materials therefrom and shall not be stored therewith.

(16) **“Yard trash”** shall mean leaves, tree trimmings, shrubbery trimmings, limbs and other similar organic material.

(b) The pronouns he, him and his shall refer to persons of the female as well as the male gender, as applicable.

17-102. Responsibility for administration.

- (a) The Director of Public Works, or the Director’s designee, shall have the authority to make and modify regulations as necessary concerning the days of collection and location, size and number of waste containers, provided that such regulations are not in violation of the provisions of this chapter.
- (b) Any person aggrieved by a regulation or charge of the Director of Public Works shall have the right to appeal to the Mayor and Board of Aldermen which shall have the authority to confirm, modify or revoke any such regulation or charge, such decision to be final.
- (c) The Director of Public Works, or the Director’s designee, shall be responsible for the enforcement of this chapter.
- (d) All refuse as heretofore defined shall be collected sufficiently and frequently to prevent the occurrence of nuisances and public health problems. The collection of refuse within the City of Covington shall be under the jurisdiction of the Director of Public Works.
- (e) The Director of Public Works may provide for the collection and removal of garbage and rubbish from any place or premise at times in addition to those when regular collection service is provided. The Director shall have the authority to provide for the collection and removal of garbage above and beyond the extent of any contract in time of an emergency.

17-103. Exclusive collections.

- (a) It shall be unlawful for any person other than the City of Covington to engage in the business of collecting, removing or disposing of garbage, yard trash, and rubbish in the City except when specifically authorized by a City contract or permit.
- (b) The Board of Mayor and Alderman, as the need arises, may solicit for bids for a contract or contracts covering the exclusive right to collect, remove and dispose of all garbage and rubbish from the City, or any specified portion thereof, under such terms and conditions as the Board of Mayor and Alderman may set in the bidding specifications. Bidding procedures will be in compliance with city policies.

17-104. Prohibited practices.

- (a) It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of Covington.

- (b) It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuse on private or public property within the corporate limits of the City of Covington without first securing the approval of the Chief of the Covington Fire Department or the Chief's designee.

17-105. Prohibited substances.

- (a) Substances prohibited from pick-up and, which shall not be deposited in garbage containers include, but are not limited to:
1. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or similar substances;
 2. Any material that could be hazardous or injurious to city or contracted employees or which could cause damage to city or contracted equipment;
 3. Hot material such as ashes, cinders, etc;
 4. "Hazardous refuse" as defined by section 17-101;
 5. Human or animal waste, which shall be prohibited unless it is placed and secured in a plastic bag;
 6. Infectious wastes and hypodermic syringes. Used hypodermic syringes shall not be placed with other waste for collection by the City of Covington, but be disposed of by a licensed medical waste disposal firm;
 7. "Construction waste" as defined by section 17-101. The removal and disposal of such materials shall be the responsibility of the construction contractor, developer or property owner;
 8. Rocks, dirt, bricks, concrete, broken glass unless in approved container, and sharp metal objects.

17-106. Refusal of service. The City of Covington reserves the right to refuse service to any occupant, tenant, owner, or business guilty of severe or repeated violations of this chapter or for hampering or interfering with employees of the sanitation department in the discharge of their duties hereunder, and shall have the authority to require proof of alternate arrangements should service be refused. Should service be refused, the occupant, tenant, owner, or business may, within five (5) working days, submit a written appeal to the Mayor. The Mayor shall, within five working days of receipt of an appeal, issue a written response, upholding, vacating, or modifying the decision.

17-107. Accumulation of refuse. Each owner, occupant, tenant, subtenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the City of Covington where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall be provided an adequate number of containers for the storage of refuse. The fee for these containers will be listed in the Administrative ordinance that are of record in the office of the City Recorder-Treasurer.

17-108. Nuisances. 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 Covington, garbage, yard waste, recyclables, or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease. Such waste is hereby declared a public nuisance.

17-109. Yard waste.

- (a) Yard waste should be placed at the curbside; or it will not be collected if it is not accessible.
- (b) Yard waste should be placed at least five (5) feet away from potential obstacles such as mailboxes, fences, walls, water meters, telephone connection boxes and parked vehicles. Owners, occupants, tenants, subtenants, lessee or others using or occupying any premises should avoid placing under low-hanging tree limbs or power lines.
- (c) Piles may be stacked end to end, or on top of one another (not tangled). Brush shall be cut to the appropriate length of five (5) feet, and a diameter no larger than twelve (12) inches. Trees or limbs more than twelve (12) inches in diameter must be removed by the occupant or property owner.
- (d) Yard waste shall not be placed in drainage ditches, on the street, on a sidewalk, on cul-de-sac, islands or vacant lots, and must not be materials resulting from tree pruning or removal at an address other than the collection point. If two or more adjacent lots are in the same ownership the yard waste may be placed on the lot without a structure for collection.
- (e) Grass clippings, hedge cuttings and leaves will be removed by the City of Covington only if placed at the curbside in plastic bags. Leaves that are raked into piles and windrows at the curbside between October 15 and February 1st will be picked up by the City of Covington using vacuum machines.
- (f) Civic clubs, neighborhood groups, and other interested parties that want to plan a clean-up day for a certain residential area should contact the Director of Public Works for assistance in hauling off refuse.

17-110. Nurseryman, lawn services; duty to remove trash. Every nurseryman, lawn service, or other person who cuts trees, trims shrubs or grass as an independent contractor, and not as an employee of the occupant of the premises, shall remove or cause to be removed all such trash from the premises.

17-111. Building debris; responsibility for removal. Building debris such as scrap lumber, 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. The owner must cause such materials and waste to be privately moved.

17-112. Bulky item pickup.

- (a) Pickup of bulky item(s), as defined in 17-101, will only occur after arrangements have been made with the Public Works Department. Item(s) must be placed at the curbside no more than twenty-four (24) hours prior to the arranged pickup, and a fee will be assessed to the property owner's next utility bill. Fees are listed in the Administrative ordinances that are of record in the

office of the City Recorder-Treasurer. The fee will be assessed for one (1) to three (3) items, and additional fees will be assessed for each additional three (3) items.

- (b) Change of Occupancy cleanouts will be picked up within thirty-six (36) hours after the property is placed on the curb, and the property owner will be invoiced. Fees are listed in the Administrative ordinances that are of record in the office of the City Recorder-Treasurer. These pickups must be scheduled with the Public Works Department, and must be placed at the curbside no more than twenty-four (24) hours prior to the arranged pickup.

17-113. Residential Refuse.

- (a) All residents shall be issued one 90-gallon roll out container to properly store one week's accumulation of refuse.
- (b) The Director of Public Works may require any residential household regularly exceeding 90 gallons in a collection period, to be issued a second roll out container, which requires an additional monthly fee.
- (c) No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any way disturb or use any refuse container assigned to another.
- (d) It shall be the responsibility of each occupant, on the scheduled day of collection, to place their roll out container at the curbside, or at the edge of the alley where serviceable alleys are available for pickup. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars or any other way that would constitute a public hazard or nuisance. Roll out containers shall not be placed, without the express permission of the City, on a public sidewalk, in the street, or in a drainage ditch.
- (e) Collection shall be once per week in accordance with the announced schedule. Roll out containers shall be placed for collection no earlier than 6:00 P.M, on the day before collection, and no later than 6:00 A.M. on the scheduled day of collection.
- (f) Construction waste, hazardous waste, infectious waste, and yard waste, as defined in section 17-101, are hereby prohibited from being placed in the roll out containers.
- (g) 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.
- (h) All garbage or refuse must be drained of all liquids and placed in plastic bags or other equivalent material prior to placing it in a roll out container. 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. 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.
- (i) Refrigerators and freezers shall have doors removed or secured in accordance with Tennessee Code Annotated 39-6-104, and shall have all contents removed.

- (j) Bulk refuse shall be stored out of public view until twenty-four (24) hours of arranged pickup.
- (k) The City shall not be responsible for the removal of central heat and air systems.

17-114. Commercial Refuse.

- (a) Every commercial establishment shall place all garbage in a bulk container (dumpster) or roll out cart, and shall maintain the container or cart and the surrounding area in a clean, neat and sanitary condition. All bulk containers and roll out cart shall be cleaned and disinfected on a regular basis.
- (b) The Director of Public Works shall approve the location of the bulk containers placement. At no time shall objects, obstructions, or vehicles hinder in any way whatsoever the servicing of said containers.
- (c) Bulk containers shall be placed on approved service pads to be constructed of no less than twelve (12) by twelve (12) feet square. Screening shall be permitted on three sides only. A gate must be placed on the dumpster screening and meet established specifications.
- (d) Businesses using 90 gallon roll out containers for collection shall be issued sufficient containers to properly store one week's accumulation of refuse. If six (6) or more roll out containers are necessary for weekly service then the business shall be required to switch to a bulk container (dumpster).
- (e) Commercial businesses shall determine the level of service needed for their establishment and be charged a fee furnished under such rate schedule as the City may from time to time adopt by appropriate ordinance.
- (f) Due to space or access the City may require commercial businesses to share bulk containers (dumpsters).
- (g) Commercial businesses may request to share dumpsters to decrease cost.
- (h) Commercial businesses, with multiple tenants in a building, may elect to furnish a shared dumpster to their tenants. The City will include the fees for the sanitation charges to the account being billed for the water service.
- (i) Any residential apartment in a commercial building will be charged the residential rate.
- (j) Any large mercantile (retail) store over thirty thousand (30,000) square feet and any industrial customer will have the option of using a recycling contractor. The Director of Public Works must approve this at the time the water service is applied for.

17-115. Schedule of fees for disposal of garbage and refuse and frequency of collection.

- (a) All residential, commercial or industrial customers receiving sanitation collection shall be charged a deposit and a monthly fee per container that will be indicated on the utility bills. Fees shall be furnished under such rate schedule as the City may from time to time adopt by appropriate ordinance.

- (b) All residential and commercial customers using a 90-gallon roll out will be provided with once a week pickup service.
- (c) Commercial customers using Bulk Containers (dumpsters) may establish the number of pickups required to maintain their property in a clean and sanitary condition.
- (d) All residential property within the City of Covington with currently active water utilities may receive once a week yard waste pickup. The schedule of fees shall be furnished under such rate schedule as the City may from time to time adopt by appropriate ordinance.
- (e) The schedule of rates shall be adjusted on an annual basis in an amount equal to the percentage change in the Consumer Price Index for Urban Areas (CPI B U, US City Average, All Items) for the prior calendar year as determined by the U.S. Department of Labor. Said annual adjustment shall be effective with the July billing cycle each year. The Board of Mayor and Alderman may reject the automatic adjustment by passage of a resolution.

17-117. Penalties.

- (a) The City shall serve any person violating any provision of this chapter, via certified mail or personal service, with written notice stating the nature of the violation, citing the code section relevant to the violation, and notifying the violator they have up to ten (10) days to remedy the violation.
- (b) The offender shall, within the time period stated in such notice, permanently cease all violations. After the time period to remedy the violation has passed the offending party shall be cited for the violation and fined \$50.00 for each violation.
- (c) Each day that passes after the citation has been issued constitutes a separate violation.
- (d) Service may be discontinued after notice to the offender has been provided, and until such time as the violation is corrected.
- (e) Any person who shall continue any violation beyond the time provided for in the previous paragraph shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this Code.

Passed First Reading _____	_____
Passed Second Reading _____	Mayor
Public Hearing _____	_____
Passed Third Reading _____	City Recorder-Treasurer