

ORDINANCE NO. 225-21

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 17 OF THE UNION CITY MUNICIPAL CODE, ENTITLED REFUSE AND TRASH DISPOSAL

WHEREAS, Chapter 1 of Title 17 of the Municipal Code of the City of Union City, Tennessee, establishes ordinances regarding refuse and trash disposal; and

WHEREAS, it is the desire of the Mayor and City Council of the City of Union City, Tennessee, that it be made clear to all taxpayers and other persons that the City of Union City shall have exclusive jurisdiction to provide for the disposition of and control of the collection, transportation, and disposal of solid waste within the corporate limits of the City of Union City; and

WHEREAS, in the exercise of their authority, the Mayor and City Council of the City of Union City, desire to set by ordinance the rules and regulations regarding the collection of household waste, yard waste, bulk rubbish, and hazardous waste; and

WHEREAS, exercising the aforesaid authority, decreases the possibility of the property conditions which are unsafe or unsanitary, or dangerous or detrimental to the health, safety, and morals or to the welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF UNION CITY, TENNESSEE, THAT:

SECTION 1: Chapter 1 of Title 17 of the Municipal Code of the City of City is hereby deleted in its entirety and is replaced by the following:

ORDB008

TITLE 17

REFUSE AND TRASH DISPOSAL¹

SECTION

17-101	Definitions.
17-102	Control of solid waste.
17-103	Premises to be kept clean.
17-104	Maintenance of storage containers.
17-105	Collection of household waste.
17-106	Placement of solid waste at curbside restricted.
17-107	Collection of yard waste.
17-108	Collection of bulk rubbish.
17-109	Hazardous waste prohibited.
17-110	Dumping in streams, sewers and drains prohibited.
17-111	Pilfering, etc.
17-112	Violation and penalty.
17-113	Solid waste collection and/or disposal service charges.
17-114	Property owner registry.
17-115	Permits.
17-116	Contract for refuse collection authorized.

17-101. **Definitions.** The following words and terms shall have the meanings indicated when used in this Chapter:

(1) “Bulk Rubbish”. The term “bulk rubbish” shall mean items which by their size and shape cannot be placed into a standard sized residential garbage can, including, but not limited to, household furniture and appliances, such as stoves, refrigerators, water tanks, washing machines, dryers, children’s toys, mattresses, bedsprings, collapsed boxes, and air conditioners.

(2) “Construction Debris”. The term “construction debris” shall mean materials from construction, demolition, repairs, remodeling, including, but not limited to, carpet, carpet padding, vinyl, hardwood and laminate floorings, bricks, block stone, stone, concrete, asphalt, lumber, roofing, plaster, drywall, and all other types of scrap building materials.

(3) “Hazardous Waste”. The term “hazardous waste” shall include any substances that may constitute a hazard to health or may cause property damage by reason of being explosive, flammable, poisonous, corrosive, radioactive, infectious, or otherwise harmful to people or equipment. Household hazardous waste includes substances used in small quantities for household projects, such as paint, motor oil, and other liquids, etc. Hazardous waste also includes, but is not limited to, televisions, monitors, computer equipment, microwave ovens, refrigeration appliances containing Freon, tires, batteries, and other automotive parts.

(4) “Household Waste”. The term “household waste” shall mean any waste material, including garbage, trash and refuse derived from households.

(5) “Yard Waste”. The term “yard waste” shall mean grass

¹Municipal Code reference
Property Maintenance Regulations: Title 13

clippings, leaves, twigs, limbs, brush, brushes, weeds, trees, and any other organic waste generated from the maintenance of residential yards.

(6) “Solid Waste”. The term “solid waste” shall mean all or any part of the materials described hereinabove as “bulk rubbish”, “construction debris”, “household waste”, or “yard waste”.

17-102. Control of solid waste. To the maximum extent permitted by law, the City of Union City shall have exclusive jurisdiction to provide for the disposition of and to control the collection, transportation, and disposal of solid waste within the corporate limits of the City of Union City. The collection of solid waste in the City shall be performed exclusively by the City’s Public Works Department and/or by entities under contract with the City.

17-103. Premises to be kept clean. All persons, firms, LLC’s, and corporations located within the corporate limits of the City of Union City shall keep their premises in a clean and sanitary condition, free from any accumulations of solid waste, and in compliance with the requirements of Title 13 of the City’s Property Maintenance code. Between intervals of collection, all such persons, firms, LLC’s or corporations shall store such solid waste on the owner’s property in accordance with the requirements of this Chapter.

17-104. Maintenance of storage containers. Containers for the storage of household waste shall be provided by the City or the entity under contract with the City for the collection of household waste. All such containers shall be maintained in good working order and repair and have a lid. All containers shall be kept in a clean and sanitary manner free from the accumulation of any substance that would attract or breed flies, mosquitoes or other insects or rodents.

17-105. Collection of household waste. Before being placed in a container, all household waste left for collection shall be free of liquids and placed into bags. All household waste shall be collected by the City or its contractor at least once every seven (7) days.

17-106. Placement of solid waste at curbside restricted. No person shall place any solid waste intended for collection by the City at the curbside adjacent to any public right-of-way more than 24 hours prior to the collection day (exception: yard waste as defined above).

17-107. Collection of yard waste. The City shall collect residential yard waste with its knuckleboom trucks weekly provided the following conditions are met by the occupant of the property from which the waste originated:

(1) In order for the knuckleboom truck operator to properly remove yard waste, place yard waste at least five (5) feet away from any potential obstacles, such as mailboxes, fences, walks, water maters, telephone connection boxes, or parked vehicles. Yard waste should be placed as close enough to the curb or street for the truck to be able to reach it. Additionally, no yard waste should be placed near low hanging limbs or power lines. Yard waste will not be collected if it is inaccessible to the City’s knuckleboom truck.

(2) The amount of yard waste that will be collected at no additional charge will be the amount that will fit safely into the bed of a standard sized pickup truck (5’ 6” wide x 8’ long and 4’ high). The City may, in the sole discretion of the City’s Public Works Director, or his or her designee, contract in writing with the property owner, occupant, or tenant to pick up yard waste in excess of the amount stated above, provided, the owner, tenant, and/or occupant, pay a fee in advance of any pick up in an amount which

shall be set by resolution of the Mayor and City Council. However, in no event, does this subsection require the City to pick up or collect yard waste in excess of the amount described above.

(3) It is permissible to stack piles of yard waste end to end or on top of one another, as long as the brush or tree limbs contained in the yard waste are not tangled. All brush or tree limbs should be cut to no more than five (5) feet in length and twelve (12) inches in diameter.

(4) Yard waste must be placed at the edge of the street, curb, or alley located within the City's right-of-way no later than 7:00 a.m. on the day of regular trash pickup. No yard waste shall be placed in drainage ditches, streets, sidewalks, cul-de-sac islands, or vacant lots.

(5) Yard waste placed in the City's right-of-way must be generated by the adjacent homeowner and under no circumstances shall yard waste generated by a commercial landscaper be picked up by the City.

(6) Leaves and grass clippings shall be bagged, except that from November 1st through January 31st, leaves can be raked to the curbside adjacent to the public right-of-way for collection by the City.

(7) Pending collection by the City, yard waste shall be neatly stacked and piled on the property of the owner or resident.

17-108. Collection of bulk rubbish. The City shall collect bulk rubbish weekly at no additional charge on the normally scheduled trash pickup day provided the following conditions are met by the occupant of the property from which the bulk rubbish originated:

(1) Bulk rubbish must be placed at the curbside in the City's right-of-way in front of the residence at which the bulk rubbish originated. The placement of the bulk rubbish should be the same listed above for the collection of yard waste.

(2) Bulk rubbish shall be placed in the city's right-of-way no more than twenty-four (24) hours prior to the regular scheduled trash pickup day.

(3) Except as provided in subsection (7) below, the amount of bulk rubbish that will be picked up or collected will be the amount that will fit safely into the bed of a standard sized pick up truck (5' 6" wide x 8' long x 4' high).

(4) Except as provided in subsection (7) below, construction debris as defined by this Chapter is not considered to be bulk rubbish and will not, under any circumstances be collected or disposed of by the City. It is the responsibility of the owner or resident of the property from which the construction debris originated to properly dispose of construction debris and it is a violation of this Chapter to place construction debris at any curbside adjacent to the public right-of-way.

(5) Except as provided in subsection (7) below,

any house clean-outs resulting from a change of residence will not be picked up by the City.

(6) Any loose or scattered items will not be picked up by the City.

(7) Notwithstanding the provisions of subsections (3) (4), and (5) above, the City may, in the sole discretion of the City's Public Works Director, or his or her designee, contract in writing with the property owner, occupant, or tenant to pick up the items and materials described in subsections (4) and (5) above, or pick up more than the amount allowed under subsection (3) provided the owner, occupant, or tenant pays a fee to the City in advance of any pick up or collection in an amount which shall be set by resolution of the Mayor and City Council. However, in no event does this subsection require the City to pick up, collect, or haul off any amount of construction debris or house clean-out materials.

17-109. Hazardous waste prohibited. No resident or homeowner shall cause any hazardous waste to be placed for collection by the City.

17-110. Dumping in streams, sewers and drains prohibited. It shall be unlawful for any person to dump solid waste in any form into any stream, ditch, storm sewer, sanitary sewer or other drain within the corporate limits unless such solid waste is processed through an approved disposal unit.

17-111. Pilfering. No person shall rifle, pilfer or dig into or in any manner disturb solid waste containers which have been set out at households or business places for collection.

It shall be unlawful for any person to rifle, pilfer, dig into, or disturb in any manner solid waste at any disposal site designated by the City; and it shall be unlawful for any person to loiter about any such disposal site.

17-112. Violation and penalty. Any individual found to be in violation of the provisions of this chapter shall be provided written notice posted on the property which shall allow the violator five (5) days to remedy the violations. Said notice shall be deemed to be sufficient, satisfactory and legal notice to both the property owner and occupant. Following the posting of notice on the property, should a violator not bring the property into compliance with the provisions of this Chapter, the City shall have the option, but not the obligation, to undertake any remedial actions and the cost of all such remedial actions shall be charged to the owner of the property. The minimum charge or fee assessed by the City for remedial action shall be an amount which shall be set by resolution of the Mayor and City Council.

Violations of any provision of this Chapter may be prosecuted in the Municipal Court of the City of Union City and any property owner or resident found guilty of such violation shall be subject to a fine of \$50.00 for each violation. Each day that the property owner or occupant is not in compliance with the requirements of this Chapter shall constitute a separate offense, subjecting the property owner or resident to an additional \$50.00 fine for each day of the violation.

Additionally, any violation of this Chapter shall also constitute a violation of the City's Property Maintenance Code Section 13-906 Health and Sanitation Nuisances, for which the owner or occupant of the property shall be liable. Each day of the violation shall constitute a separate offense, subjecting the property owner or occupant to an additional \$50.00 fine for each day of the violation.

Additionally, any violation of this chapter may be referred to the Municipal Hearing Officer pursuant to Title 20, Chapter 3, of the Municipal code of the City of Union City.

17-113. Solid waste collection and/or disposal service charges. The monthly charge for refuse collection and/or disposal service rendered to commercial and/or industrial establishments and to each owner, occupant, or other responsible person using or occupying any building, house, or other responsible person using or occupying any building, house, structure, apartment or dwelling unit as a residence, shall be in accordance with a schedule of fees, as the City may from time to time adopt by resolution.

Commercial and residential monthly service charges shall be billed at the same time and upon the same statement as for water service charges and sewer service charges, and shall be due and payable at the same time and under the same conditions and terms as are the water and sewer service charges. In those cases where more than one commercial establishment, owner, occupant or other responsible person receives water service from a single water meter, the monthly service charge for each such commercial or residential unit shall be billed to the person, firm, LLC, or corporation in whose name such water meter is listed or recorded on the records of the City.

Non-metered grounds or structures shall pay monthly refuse collection and/or disposal service charges at the same rate as other commercial establishments.

Group meetings and traveling shows such as circuses, carnival, rodeos, minstrels, etc. shall pay the City for cleaning up and hauling off their solid waste or contract for a service approved by the City health officer. The charge for such service shall be determined by the city council and shall be paid to the city clerk at the time the license or permit to exhibit is issued.

17-114. Property owner registry. The City has established a voluntary property owner registry which shall be maintained by the Director of Planning and Codes. The sole purpose of the registry is to provide personal notification, whether by telephone call, text message, or email communication, to the property owner with regard to any violations issued under this Chapter. Any property owner who wishes to receive a courtesy notification by the City shall provide their name, address(es) of property owners, contact information, and requested method of contact to the Code Official. In the event a property included in the registry is posted with a notice of violation, the Code Official shall make every effort to contact the owner through the provided information. This registry is voluntary and a courtesy provided by the City to property owners. Notwithstanding the foregoing, nothing in this section shall be construed as a requirement of a courtesy phone call to a registered property owner to achieve proper service under the enforcement provisions of this Chapter.

17-115. Permits. No person, firm, LLC, or corporation shall engage in the business of collecting solid waste unless a permit has been issued from the director of public works. Such permit may be issued only after the applicant's capability of complying with the requirements of this Chapter have been fully determined. Any such permit may be suspended or revoked for the violation of any of the terms of this chapter.

17-116. Contract for refuse collection authorized. The Mayor and City Manager are authorized and empowered to enter into a contract for solid waste collection and disposal services. The contract shall provide:

(1) The term of the contract shall not exceed five (5) years, but it may be renewed from time to time as the Mayor and Council may, by resolution, direct and the contract may contain an option for the contractor to renew the contract on the same terms and conditions, and for the same consideration for an additional term of five (5) years.

(2) The contractor shall be bonded with a corporate surety for the performance of the contract in an amount not less than the base consideration per year, stated or computed as required by the contract.

(3) The contractor shall be bonded with a corporate surety for

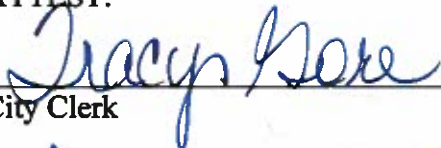
the payment of labor and materials in a sum of at least one-fourth (1/4) of the consideration of the base contract annually, or any additional amount that may be required by state statute.

(4) The contract may contain such other terms, provisions, and conditions as in the discretion of the Mayor and the City Manager will assure the City of reasonable solid waste disposal services, including but not limited to the designation of places for solid waste to be collected; schedules for the collection of solid waste; use of a landfill or disposal site approved by the Department of Health of the State of Tennessee or any other public agency having jurisdiction over landfills or disposal sites; the use of the landfill or disposal site by Union City residents; the duties of the City Manager, Director of Public Works, or such other person as the City Manager may designate, to perform duties in regard to the contract; provide for a schedule of fees to determine the base consideration for the contract per year as determined for pickups of solid waste as provided in § 17-113 of the City Code; and to set forth the way and manner in which solid waste may be placed on containers, bags or receptacles for disposal by the contract as required by the City Code.

SECTION 2: This ordinance shall take effect ten (10) days from and after its passage on second and final reading and after publication in the official city newspaper.

CITY OF UNION CITY, TENNESSEE

BY: 
Its Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Passed first reading: September 15, 2020
Caption published: September 22, 2020
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Effective date: November 27, 2020

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