

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. LITTER CONTROL AND SANITATION REGULATIONS.
2. PRIVATE COLLECTION OF BULK REFUSE.
3. REFUSE AND TRASH DISPOSAL.

CHAPTER 1

LITTER CONTROL AND SANITATION REGULATIONS.

SECTION

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17-101. Title and definitions. (1) Title. This chapter shall be known and may be cited as the City of Fayetteville Litter Control and Sanitation Ordinance.

(2) Definitions. (a) "Director" means the director of public works.

(b) "Dumpster" means four (4) to eight (8) cubic yard receptacle used by the collection agency to pick up bulk material.

(c) "Institution" means any public or private establishment which educates, instructs, treats for health purposes, or otherwise performs a service or need for the community, region, state or nation.

(d) "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, garbage, offal, waste building material at construction sites, disposable packages or containers thrown or deposited as prohibited herein, but not including the disposed waste of the primary processes of mining, logging, saw-milling, framing or manufacturing.

¹Municipal code reference

Property maintenance regulations: title 13.

(e) "Litter receptacle" means a container with a capacity of not less than twenty (20) gallons, constructed and placed for use as a depository for litter.

(f) "Person" means any natural person, corporation, partnership, association, firm, receiver, guardian trustee, executor, administrator, fiduciary, or representative, or group of individuals or entities of any kind.

(g) "Private property" means property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, any body of water, vacant land, and recreational facilities.

(h) "Public property" means any area that is used or held out for use by the public, whether owned or operated by public or private interests including, but not limited to, highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds, or other bodies of water.

(i) "Vehicle" means every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, and shall also include any watercraft, boat, ship, vessel, barge, or other floating craft, except devices moved by human power, or used exclusively upon stationary rails or tracts, or used exclusively for agricultural purposes and not licensed pursuant to state law, which is not operated on any public highway for purposes other than crossing such public highway, or along such highway between two (2) tracts of the owner's land. (1995 Code, § 17-101)

17-102. Moving violations. (1) Littering prohibited; penalties. (a) It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of litter in or upon any public or private property within City of Fayetteville including but not restricted to any street, sidewalk, park, body of water, vacant or occupied lot, except in public receptacles, or in authorized private receptacles provided for public use, or in an area designated by the state department of health as a permitted disposal site.

(b) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of in the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

(2) Uncovered vehicles; escape of load. (a) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise

escaping therefrom. Provided, however, that sand or any substance to increase traction or water or other substance may be applied on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having such responsibilities.

(b) No vehicle used to transport litter or other items likely to fall or be blown from such vehicle, shall be driven or moved, stopped, or parked on any highway unless such vehicle is covered to prevent its contents from blowing, dropping, or falling from such vehicle.

(c) Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay any costs therefor.

(3) Enforcement of litter laws; prosecution; presumption. (a) The director of public works, the health officer and the building official are hereby empowered to issue citations to persons violating any provision of this chapter, and may serve and execute all warrants, and other process, issued by the court in enforcing the provisions of this chapter. In addition, mailing by certified mail of such process to his last known place of residence shall be deemed as personal service upon the person charged, for the purpose of this chapter.

(b) Prosecution for a violation of any provision of this chapter may be initiated by any law enforcement officer who witnesses such offense or who discovers an article of litter bearing a person's name or address on the property of another, on any public highway, street, or road, upon a public park or recreation area, or upon any other public property except property that is designated for solid waste disposal. Such prosecution may be initiated by any private citizen, who witnesses an offense or discovers evidence.

(c) Any article of litter bearing a person's name or address, found on the private property of another, or on any public property as designated herein, shall be presumed to be the property of such person whose name or address appears thereon, and that such person placed or caused to be placed such article of litter; provided, however, that such presumption shall be rebuttable by competent evidence.

(d) Whenever any person is arrested for a violation of this chapter, the arresting law enforcement officer shall take the name and address of such person and issue a complaint, summons, or otherwise notify him in writing to appear at a time and place to be specified in such complaint or notice. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith, release him from custody. Any person refusing to give such written promise to appear shall be prosecuted as in the manner of other violations of chapters.

(e) Upon the failure of such person to comply as herein provided, the clerk of the court named in such summons shall summons such person to appear in such court to answer the charge of the violation of this chapter. (1995 Code, § 17-102, modified)

17-103. Stationary violations. (1) Areas surrounding commercial establishments and institutions. It shall be the duty of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding area clear and free of litter. These areas include, but are not restricted to, public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots which are owned or leased by said establishment or institution.

(2) Keeping residential property clean. It shall be the duty of each residential property owner and tenant to keep all exterior private property free of litter. These areas shall include, but not be restricted to, sidewalks, alleys, and driveways; yards and grounds; fences, walls, and property lines; drainages; and vacant lots in residential areas.

(3) Keeping sidewalks clean. Each owner, agent, occupant, or lessee whose property faces on sidewalks, or strips between street and sidewalk, shall be responsible for keeping said sidewalk and strips free of litter. Also immediately after a snow or sleet, occupants are required to remove all accumulated snow or ice from sidewalk.

(4) Sweeping litter into the street. It shall be unlawful to blow, sweep or push litter or grass clippings from sidewalks into streets. Such litter shall be deposited in a proper receptacle which shall be covered to prevent scattering by wind and animal.

(5) Construction and demolition sites. (a) It shall be unlawful for any owner, agent, or contractor to permit the accumulation of litter before, during, or after completion of any construction or demolition project.

(b) It shall be the duty of the owner, agent, or contractor in charge of a construction or development site to furnish litter receptacles and to collect and contain to prevent scattering other bulk litter on a daily basis. All litter shall be removed from such site not less than once a week.

(6) Handbills and advertising material. It shall be unlawful for any person distributing commercial handbills, leaflets, flyers, or any other advertising and information material to distribute material in such a manner that it litters either public or private property. (1995 Code, § 17-103, modified)

17-104. Stationary violations; litter generated from handling solid waste. (1) Solid waste containerization. (a) Each owner, occupant or other responsible person using or occupying any building or other premises within the city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers.

The refuse containers shall be rodent and insect proof, shall be strong, durable, or galvanized steel or plastic construction, and have attached handles for easy lifting. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Containers loaded with wood, concrete blocks, brick or heavy metal will not be emptied. Plastic bags may be used in place of metal or plastic containers. Dumpsters may be used provided they are placed in a location mutually agreeable to the occupant and the director. Box pens shall be kept clean by occupant and loose materials are the responsibility of the occupant.

(b) Excess material as a result of special circumstances must be placed in plastic bags.

(c) Items too large to fit into containers, such as, but not limited to, household appliances, furniture and mattresses, shall be placed curbside.

(2) Proper litter receptacles or solid waste containers. (a) Any receptacle or container which does not conform to this chapter shall be replaced by owner or user of said receptacle or container upon written notice from the department of public works. Failure to do so within five (5) days shall constitute a violation of this section, and each day thereafter shall constitute a separate violation.

(b) In no case will it be the responsibility of the refuse collecting agency of the city to shovel or pick up from the ground any accumulations of refuse with the exception of intact cardboard boxes which may be placed neatly and safely around said refuse containers.

(c) Where alleys are used by the city refuse collectors, containers shall be placed on or within three feet (3') of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city's refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom.

(d) No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public anti-litter cans for the deposit of refuse commonly recognized as litter.

(e) Except as otherwise herein provided, only the city shall engage in the business of collection, removing or disposing of refuse

within the corporate limits. The city may provide such service either with its own forces or by contractors. Industrial and commercial locations may contract their own collection service, however, the city must be notified of collection agency and length of contract.

(f) The director is authorized and directed to prepare schedules for regular collection of refuse throughout the city. Refuse shall be collected at least twice weekly and otherwise as often as reasonably necessary to protect against health and fire hazards.

(3) Indiscriminate dumping or discarding of litter and solid waste.

(a) It shall be unlawful for any person to discard or dump along any street or road, on or off the right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, and any other material or equipment, on public or private property, except by written consent of the owner of said private property, or except in receptacles provided for public use for the deposit of said material, or except in an area designated by the state department of health as a permitted disposal site.

(b) Any article of litter bearing a person's name or address found on the private property of another, or on any public property, shall be presumed to be the property of such person whose name or address appears thereon, and that such person placed or caused to be placed such article of litter; provided however, that such presumption shall be rebuttable by competent evidence. (1995 Code, § 17-104)

17-105. Collection fees and special rules. (1) Service fees for collection, removal and disposal. Monthly fees for the collection, removal and disposal of refuse are based on the number of carts utilized at each residence or commercial establishment with a one (1) cart minimum charge for each residence or commercial establishment with an active electrical meter according to the records of Fayetteville Public Utilities. The following monthly fees are established for the collection, removal and disposal of refuse:

RESIDENTIAL

Per household	\$ 14.00
Per apartment	\$ 14.00
Each additional cart	\$ 10.00

COMMERCIAL AND INDUSTRIAL

1 Cart	Twice/week	\$ 38.00
	Once/week	\$ 19.00
2 Carts	Twice/week	\$ 68.00
	Once/week	\$ 34.00
3 Carts	Twice/week	\$ 98.00
	Once/week	\$ 49.00
4 Carts	Twice/week	\$128.00

	Once/week	\$ 64.00
6 Carts	Twice/week	\$188.00
	Once/week	\$ 94.00

Churches will be charged the commercial fees
Hardship rate will be ten dollars (\$10.00) per month

The public works director will work with commercial establishments to provide the collection services they need per week at the rate listed above. The public works director may change routes and adjust rates as needed to conform to the schedule listed above.

Users who are aggrieved by the sanitation fee(s) assessed them may submit a request for a fee reduction or waiver to the city administrator who shall place the matter on the next meeting of the public works committee for consideration of the particular circumstances involved. After the public works committee makes its determination, the city administrator shall inform the party seeking relief of the committee's decision. However, any user submitting a request for fee reduction or waiver under this section shall continue to pay the regular rates until the decision is rendered by the committee. (1995 Code, § 17-105)

17-106. Litter receptacles. (1) Use of receptacles. It shall be unlawful to deposit any item or items, except litter, in any receptacle placed for public use as a depository for litter.

(2) Providing adequate litter receptacles. It shall be the duty of any person owning or operating any establishment or public place to provide receptacles adequate to contain the litter generated at said establishment.

(3) Regulations regarding receptacles. The director is authorized to promulgate additional regulations concerning the number, size and locations of litter receptacles which should be approved by the board of mayor and aldermen and kept on file at the clerk's office. (1995 Code, § 17-106)

17-107. Unauthorized use of receptacles. It shall be unlawful to deposit any item in any privately owned receptacle without the consent of the owner. (1995 Code, § 17-107)

17-108. Disposal of material by contractors. It shall be unlawful for contractors to fail to remove from the premises used carpet, flooring, construction or demolition material resulting from their work unless the owner or tenant of the premises signs a release on a form prescribed by the City of Fayetteville. (1995 Code, § 17-108)

CHAPTER 2

PRIVATE COLLECTION OF BULK REFUSE

SECTION

- 17-201. Short title.
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- 17-203. Bulk refuse collector's permit generally.
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- 17-205. Insurance and bond requirements for bulk refuse collectors.
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- 17-207. To dispose of refuse.
- 17-208. Requirement for lids or covers of dumpsters and bins.
- 17-209. List of charges.
- 17-210. Removal service for commercial customers and residential lot owners with no electric meter.

17-201. Short title. This chapter is the "Private Collection of Bulk Refuse Ordinance of Fayetteville, Tennessee." (1995 Code, § 17-201)

17-202. Prohibited without a permit. No person, firm or legal entity shall engage in the business of the collection, removal or disposal of garbage, refuse or rubbish for a fee or charge without a permit issued under this chapter. (1995 Code, § 17-202)

17-203. Bulk refuse collector's permit generally. (1) Permits for the collection of garbage, refuse or rubbish and its prompt disposal may be issued by the city administrator upon the filing of an application on a form prescribed by the city administrator; but the same shall be issued only after the city administrator has satisfied himself or herself that the applicant possesses or has available the necessary equipment and facilities to adequately perform the service of collection, storage, removal and disposal of garbage, refuse or rubbish. Permits shall be valid for one (1) year following date of issuance thereof unless sooner suspended or revoked. Any such permit may be immediately suspended for cause by the city administrator for the violation of any of the provisions of this chapter.

(2) Each permit issued under this section shall be numbered, and the permit holder shall place such number in a conspicuous place on each vehicle operated in the business. (1995 Code, § 17-203)

17-204. Fee for bulk refuse collector's permit. A fee of one hundred dollars (\$100.00) shall be assessed and collected by the city administrator for the issuance of each permit under § 17-203. In addition thereto, a fee of ten dollars (\$10.00) shall be assessed and collected for each vehicle designed for the

collection and transportation of refuse and which is used by the permit holder in the collection and transportation of refuse under this permit. (1995 Code, § 17-204)

17-205. Insurance and bond requirements for bulk refuse collectors. As a condition precedent to the issuance of a permit under § 17-203, the applicant shall furnish certificates showing general liability insurance for bodily injury liability on the comprehensive form with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and, subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident and automobile public liability and property damage insurance with limits of one hundred thirty thousand dollars (\$130,000.00) per person in any one (1) accident and subject to that limit for each person, three hundred fifty thousand dollars (\$350,000.00) for two (2) or more persons in any one (1) accident for bodily injury liability and fifty thousand dollars (\$50,000.00) property damage liability on the comprehensive form covering owned, non-owned and hired automobiles which will be used in connection with the work to be done under the permit. Also, workers' compensation insurance coverage satisfactory to the city administrator shall be proven. Further, as a condition precedent to the issuance of a permit under § 17-203, the applicant shall furnish a bond in the amount of five thousand dollars (\$5,000.00) to save the city harmless or shall deposit a sufficient amount of cash with the city administrator as will, in the opinion of the city administrator, cover the cost of repairing any streets or other improvements as may be damaged by the collection, removal or disposal of garbage, refuse or rubbish of the holder of a permit under this chapter. (1995 Code, § 17-205)

17-206. Vehicle requirements for bulk refuse collectors. All vehicles used by the holder of a permit under this chapter for the collection, removal and disposal of refuse shall have watertight metal bodies. (1995 Code, § 17-206)

17-207. To dispose of refuse. All refuse collection by holders of permits under this chapter shall be disposed at a facility approved by the State of Tennessee. (1995 Code, § 17-207)

17-208. Requirement for lids or covers of dumpsters and bins. All dumpsters with a capacity of two (2) to eight (8) cubic yards shall have lids or covers. All recycle bins shall have lids or covers. (1995 Code, § 17-208)

17-209. List of charges. A current listing of the various charges for services of private collectors of bulk refuse shall be filed with the city for public review and shall be kept current. (1995 Code, § 17-209)

17-210. Removal service for commercial customers and residential lot owners with no electric meter. (1) Commercial customers and owners of residential lots with no electric meter shall pay the city fifty dollars (\$50.00) per load to have the city remove trees, crates, furniture, waste materials or other bulky items from their properties.

(2) The city will only remove material that can be picked up with a knuckle-boom truck. Manual loading of materials will be prohibited. No one other than city employees will be allowed to load or operate the city trucks in the removal process.

(3) Material to be removed must be no longer than six feet (6') in length and should be piled by the street or stacked on a hard surface. Material to be removed must be on a flat surface. Material to be removed may not be placed under utility lines.

(4) A property owner seeking to have heavy material removed from his or her property must execute a written consent form releasing the city from any liability arising from city employees being on the owner's property during the removal process.

(5) A property owner seeking removal of items must schedule the removal with the public works department.

(6) The city will determine the amount of material that can be placed in an individual load as it pertains to the weight and size of the material.

(7) The removal fee must be paid prior to pick up regardless of the quantity.

(8) The city through its public works department will not pick up or remove the following:

- (a) Material from land which is being developed or is for development;
- (b) Hazardous material;
- (c) Concrete, rocks, bricks or dirt;
- (d) Construction material waste. (1995 Code, § 17-210)

CHAPTER 3

REFUSE AND TRASH DISPOSAL

SECTION

- 17-301. Definitions.
- 17-302. Responsibility for administration.
- 17-303. Premises to be kept clean.
- 17-304. Prohibited practices.
- 17-305. Prohibited substances.
- 17-306. Refusal of service.
- 17-307. Accumulation of refuse.
- 17-308. Yard waste.
- 17-309. Residential solid waste.
- 17-310. Commercial solid waste.
- 17-311. Special services.
- 17-312. Schedule of fees for disposal of garbage and refuse and frequency of collection.
- 17-313. Violations and penalty.

17-301. Definitions. (1) The pronouns he, him and his shall refer to persons of the female as well as the male gender, as applicable.

(2) "Ashes." The term "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.

(3) "Bulk container." The term "bulk container" shall mean steel waste receptacles of not less than two (2) cubic yards and not more than eight (8) cubic yards designed for the storage of solid waste. The containers shall meet industry standards for service.

(4) "Collector." The term "collector" shall mean any person, firm, corporation, or political subdivision that collects, transports, or disposes of any refuse within the corporate limits of the City of Fayetteville.

(5) "Commercial solid waste." The term "commercial solid waste" shall mean solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities.

(6) "Construction waste." The term "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.

(7) "Garbage." The term "garbage" shall include all putrescible waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead domesticated animals at the discretion of the public works director, but excluding recognizable industrial by-products, from all public and private residences.

(8) "Grass clippings." The term "grass clippings" shall mean any residue remaining from the cutting, clipping, or trimming of grass from any home, business, or agricultural endeavor.

(9) "Hazardous refuse." The term "hazardous refuse" shall mean 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, infectious, or otherwise harmful.

(10) "Health officer." The term "health officer" shall mean the Chief of Police of the City of Fayetteville or his authorized representative.

(11) "Industrial waste." The term "industrial waste" shall mean all such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

(12) "Infectious wastes." The term "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. For purposes of this policy, the following waste shall be considered to be infectious waste:

(a) Isolation wastes. Wastes contaminated by patients who are isolated due to communicable disease, as provided in the U.S. *Centers for Disease Control Guidelines for Isolation Precautions in Hospitals*.

(b) Cultures and stocks of infectious agents and associated biologicals. Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(c) Human blood and blood products. Waste human blood and blood products such as serum, plasma, and other blood components.

(d) Pathological wastes. Pathological wastes, such as tissues, organs, body parts, and body fluids.

(e) Contaminated sharps. All discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.

(f) Contaminated animal carcasses, body parts, and bedding. Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or in the in vivo testing of pharmaceuticals.

(g) Facility-specified infectious wastes. Other wastes determined to be infectious by a written facility policy.

(13) "Residential solid waste." The term "residential solid waste" shall mean solid waste resulting from the maintenance and operation of dwelling

units, excluding multiple housing facilities. This also excludes specific wastes defined and/or included in other parts of this chapter.

(14) "Roll out container." The term "roll out container" shall mean a standard city issued ninety-six (96) gallon container designed for the storage of solid waste prior to collection.

(15) "Rubbish." The term "rubbish" shall include all nonputrescible waste materials except ashes from all public and private residences and establishments.

(16) "Solid waste." The term "solid waste," as hereinafter referred to in this chapter, shall include garbage, rubbish, 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, from residences and establishments, public and private, but shall not include sewage, body waste, recognizable industrial or medical by-products.

(17) "Tipping fees." The term "tipping fee(s)" shall mean the fee(s) imposed at the City of Fayetteville Transfer Station on all waste brought to the facility for transfer to an appropriate disposal site.

(18) "Yard waste." The term "yard waste" shall mean, leaves, tree and shrubbery trimmings. (Ord. #2013-10, Aug. 2013)

17-302. Responsibility for administration. (1) The public works director, or his authorized representative, shall have the authority to make and modify regulations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of solid waste refuse; provided that such regulations are not in violation of the provisions of this chapter.

(2) The public works director, or his authorized representative, shall be responsible for the enforcement of this chapter.

(3) All refuse (including garbage and rubbish) 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 Fayetteville shall be under the jurisdiction of the solid waste department. (Ord. #2013-10, Aug. 2013)

17-303. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Fayetteville are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth, and trash. All persons, firms, and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the City of Fayetteville so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #2013-10, Aug. 2013)

17-304. Prohibited practices. (1) 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 Fayetteville.

(2) The disposal of refuse in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or with properly approved permits from the Tennessee Department of Solid Waste Management is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the solid waste department under Tennessee Department of Solid Waste Management guidelines. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal.

(3) 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 Fayetteville without first securing the approval of the Fayetteville Fire Department. (Ord. #2013-10, Aug. 2013)

17-305. Prohibited substances. (1) Substances prohibited from pick-up and, which shall not be deposited in garbage containers include, but are not limited to:

(a) Flammable liquids, solids or gases, such as gasoline, benzene, 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) Infectious wastes and hypodermic syringes. Used hypodermic syringes shall not be placed with other waste for collection by the City of Fayetteville, but be disposed of by a licensed medical waste disposal firm.

(d) "Construction waste" as defined by § 17-301(6). The removal and disposal of such materials shall be the responsibility of the construction contractor, developer or property owner.

(e) Rocks, dirt, bricks, concrete, broken glass unless in approved container, and sharp metal glass. (Ord. #2013-10, Aug. 2013)

17-306. Refusal of service. The City of Fayetteville 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. Should service be refused, the occupant, tenant, owner, or business may, within five (5) working days, submit a written appeal to the city administrator. The city administrator shall, within five (5) working days of receipt of an appeal, issue a written response, upholding, vacating, or modifying the decision. (Ord. #2013-10, Aug. 2013)

17-307. 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 Fayetteville where refuse materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the public works director for the storage of such refuse. (Ord. #2013-10, Aug. 2013)

17-308. Yard waste. (1) Leaves, lawn clippings, etc. (a) It shall be the responsibility of the sanitation department of the city to shovel or pick up from the ground any loose accumulation of refuse, including leaves, lawn clippings, brush, etc.

(b) The collecting agency of the city shall not be responsible to remove any brush, trunks, or limbs of trees unless said brush shall have been cut into lengths of not more than ten feet (10'). The trunks or limbs of trees measuring fifteen inches (15") or more in diameter shall be cut into lengths of not more than six feet (6') and of a weight of no more than seventy-five (75) pounds, and all of said material shall be piled at curbside. (Ord. #2013-10, Aug. 2013)

17-309. Residential solid waste. (1) All residents shall provide sufficient city issued ninety-six (96) gallon regulation containers to properly store one week's accumulation of refuse (including garbage and rubbish).

(2) The public works director may require any residential household regularly exceeding ninety-six (96) gallons or two hundred (200) pounds of garbage in a collection period to purchase a second container from the city, which requires a second monthly payment for collection.

(3) The containers shall remain the property of the city at the property address where delivered, and are provided and assigned to residences for the health, safety, convenience and general welfare of the occupants. Containers that are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the city at the expense of the occupants or the owner of the residence. Containers which are damaged in the course of normal and reasonable usage or which are damaged or destroyed, through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the city at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person; markings and identification devices on the containers except as placed or specifically permitted by the city are expressly prohibited and shall be regarded as damage to the containers.

(4) 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 garbage container, or any refuse left for collection.

(5) It shall be the responsibility of each occupant, on the scheduled day of collection, to place their container on the property side of the curb or street, or in a city approved location for pick-up. Containers shall be placed in such a location as to be readily accessible for removal by the city. The container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Garbage containers shall not be placed, without the express permission of the city, on a public sidewalk, or in a drainage ditch.

(6) Construction waste and yard waste, as defined in this chapter, are hereby prohibited from being placed in the ninety-six (96) gallon or other city approved residential garbage collection containers.

(7) 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.

(8) All garbage or refuse must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it in any storage receptacle. 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.

(9) 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.

(10) Collection of white goods, stoves, refrigerators, freezers, window type air conditioners, shall be collected by the collection agency. Refrigerators and freezers, shall have doors removed or secured in accordance with *Tennessee Code Annotated*, § 39-6-104, and have all contents removed. White goods shall be stored out of public view until their scheduled collection. (Ord. #2013-10, Aug. 2013)

17-310. Commercial solid waste. (1) Businesses using regulation ninety-six (96) gallon cans for collection shall provide sufficient containers to properly store one (1) week's accumulation of refuse.

(2) Nothing in this section shall prohibit commercial establishments or private residents from removing their own solid waste. However, private citizens will still be subject to the monthly refuse collection service fee from the city.

(3) In no event shall public or private commercial dumpsters, roll off containers or other bulk containers be placed on a public street, right-of-way or public property:

(a) Without express written consent of the public works director.

(b) For longer than thirty (30) days unless approved by the public works director. (Ord. #2013-10, Aug. 2013)

17-311. Special services. (1) Roll-out commercial excess. Any waste collected at commercial establishments utilizing city issued ninety-six (96) gallon roll-out carts that does not fit in the provided number of ninety-six (96) gallon roll-out carts, will be assessed an extra pick-up fee. Volumes of waste may, at the discretion of the public works director or his designee.

(2) Residential excess. Any excess waste collected at residences may, based on volume and at the discretion of the public works director or his designee, be assessed a fee based on the amount of the excess. (Ord. #2013-10, Aug. 2013)

17-312. Schedule of fees for disposal of garbage and refuse and frequency of collection. Residential. A fee as specified in § 17-105, comprehensive fees and penalties, shall be paid to the city for the disposal of solid waste for every household container (once per-week pickup). (Ord. #2013-10, Aug. 2013)

17-313. Violations and penalty. (1) Any person violating any of the provisions of this chapter shall be served by the city with written notice stating the nature of the violation and providing up to ten (10) days' time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.

(2) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by city personnel or equipment by reason of such violation. (Ord. #2013-10, Aug. 2013)