

ORDINANCE NO.2021-09

AN ORDINANCE AMENDING TITLE 17 OF THE CITY OF LAFOLLETTE
MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND
ALDERMAN OF THE CITY OF LAFOLLETTE, TENNESSEE, as follows:

Title 17 "Refuse and Trash Disposal" shall be amended by deleting said chapter
in its entirety and inserting in lieu thereof the following:

See Attached Exhibit for particular provisions

SECTION II. LEGAL STATUS PROVISIONS

A. **Conflict with Other Ordinances.** In case of conflict between this ordinance or any
part thereof, and the whole or part of any existing or future ordinance of the City of
LaFollette, the most restrictive shall in all cases apply.

B. **Validity.** If any section, clause, provision, or portion of this Ordinance shall be held
to be in doubt or unconstitutional by any court of competent jurisdiction, such holding
shall not affect any other section, clause, provision, or portion of this Ordinance which is
not of itself invalid or unconstitutional.

C. **Effective Date.** This ordinance shall become effective upon passage and publication,
the public welfare requiring it.

Passed 1st reading, July 13, _____, 2021.

Passed 2nd reading, August 3, _____, 2021.

Passed 3rd reading, August 3, _____, 2021.



MAYOR



RECORDER

Councilperson, _____, moved the adoption of the foregoing Ordinance on first reading, second by _____, upon roll call the vote on said motion was as follows:

AYE: Mr. Farmer
Ms. Gorton
Mr. Hosking
Mr. Keith

NAY: _____

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. UNIFORM REFUSE DISPOSAL.
2. CURBSIDE DEBRIS.
3. PLACEMENT OF INFECTIOUS WASTE IN GARBAGE COLLECTION CONTAINERS.

CHAPTER 1

UNIFORM REFUSE DISPOSAL

SECTION

- 17-101. Definitions.
- 17-102. Premises to be kept clean.
- 17-103. Accumulation and storage of refuse.
- 17-104. Containers.
- 17-105. Refuse not to be collected unless properly stored.
- 17-106. Refuse from construction, demolition, or repairs.
- 17-107. Unlawful to burn.
- 17-108. Dumping in streams, sewers, and drains prohibited.
- 17-109. Disposal of refuse by city.
- 17-110. Disposal of refuse other than by city.
- 17-111. Collection practices.
- 17-112. Frequency of collection.
- 17-113. Refuse collection and/or disposal service charge.
- 17-113A. Residential garbage service user fee.
- 17-114. Method of collection service charge.
- 17-115. Disturbing containers.
- 17-116. Collection under supervision of city manager.
- 17-117. Collection vehicles.
- 17-118. Violations.

17-101. Definitions. (1) The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

(2) The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes and rubbish (trash).

¹Municipal code reference

Property maintenance regulations: title 13.

(3) The term "rubbish" shall include waste papers, tin cans, brokenware, discarded shoes and clothing, bottles, grass cuttings or non-putrescible solid wastes. The term, "rubbish" shall not include debris from construction or repair work, trees or tree trimmings, bricks or rocks or any other waste that is likely to cause damage to the equipment of the city, injury to its employees, or is likely because of the nature, size, or weight of the material, to cause undue hardship on the collector.

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

(5) 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.

(6) The term "person" shall include any natural person, association, partnership, firm or corporation.

(7) The singular shall include the plural and the masculine shall include the feminine and the neuter. (Ord. #465, July 1981)

17-102. Premises to be kept clean. All persons, firms and corporations within the corporate limits of the City of LaFollette are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth and trash. Such persons, firms and corporations are hereby required to store such refuse in sanitary containers of the type described in § 17-104 of this code between intervals of collection or to dispose of such material in a manner prescribed by the city administrator, the city health officer, or the supervisor of the city sanitation department so as not to cause a nuisance or become injurious to the public health and welfare. (Ord. #465, July 1981)

17-103. Accumulation and storage of refuse. (1) Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure or grounds within the corporate limits of the City of LaFollette, where refuse materials and substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of approved containers for the storage of such refuse except business and industrial establishments using city-owned receptacles as described in § 17-104(3).

(2) Preparation of refuse. (a) All refuse shall be drained, free of liquids, before disposal.

(b) "Garbage" (including animal waste) shall be wrapped in paper or similar material.

(c) All cans, bottles, or other food containers shall be free of food particles and drained before disposal.

(d) "Rubbish" shall be:

(i) Placed in approved containers, or

(ii) Cut and baled, tied, bundled, stacked or packaged so as not to exceed forty-eight (48) inches in length and seventy five (75) pounds in weight.

Tree limbs which are to be placed in a city "chipper" truck should be neatly stacked and not exceed six (6) feet in length. Limbs should be stacked with the cut-off ends facing the curb.

(e) "Leaves" shall be collected on a nonscheduled basis without additional charge to the regular refuse collection fees. Leaves must be placed in windrows adjacent to the curb or the street right of way. In no case may windrows of leaves be extended more than six (6) feet back from the curb line or street right of way.

(f) "Ashes" that have been exposed to the weather and are completely free of fire or smoke may be placed in regular containers. "Hot" ashes that may result in damage to refuse packers, containers, or may result in injury to the collectors shall, in no case, be placed in containers. (Ord. #465, July 1981)

17-104. Containers. (1) Residential refuse containers shall be constructed of strong and durable material, rodent and insect proof and not readily corrodible. They shall have a capacity of not more than thirty-two (32) gallons and not less than twenty (20) gallons, and when filled, shall weigh not more than seventy-five (75) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material of such design to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Confiscation of unsatisfactory storage containers. Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to injure the persons collecting the contents thereof, shall be replaced. The city sanitation department will affix to any defective container, a tag identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given by the city, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the City of LaFollette will not be held liable for such damages.

(3) City-owned receptacles. Business and industrial establishments shall deposit in city-owned refuse receptacles provided for multiple use, all refuse from their establishments in the receptacle assigned to them. They shall break down or nest all cardboard boxes prior to depositing in the receptacles.

Business and industrial establishments utilizing the city-owned receptacles are exempt from the requirements in § 17-104(1).

(4) Business and industrial establishments not served by a city-owned receptacle shall provide a sufficient number of containers to fully contain all refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized in § 17-104(1) for residential users.

(5) Refuse containers must be located outside of buildings and shall be placed where they will not become a traffic or fire hazard, and accessible to city sanitation employees. (Ord. #465, July 1981)

17-105. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing material, etc., except as prescribed in § 17-103(2)(d). (Ord. #465, July 1981)

17-106. Refuse from construction, demolition or repairs. In no case will it be the responsibility of the city sanitation department to collect refuse resulting from construction, demolition, or repairs of buildings, structures or appurtenances. The property owner/contractors, or the persons having same in charge, shall be responsible for the disposal of such refuse. (Ord. #465, July 1981)

17-107. Unlawful to burn. It shall be unlawful for any person, firm or corporation to burn refuse on private or public property within the corporate limits of the City of LaFollette, without first obtaining a permit from the City of LaFollette's Fire Department. (Ord. #465, July 1981)

17-108. Dumping in streams, sewers and drains prohibited. It shall be unlawful for any person, firm or corporation to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drains within the corporate limits of the City of LaFollette. (Ord. #465, July 1981)

17-109. Disposal of refuse by city. All refuse accumulated in the City of LaFollette shall be collected, conveyed and disposed of by the City of LaFollette Sanitation Department. No person shall convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the City of LaFollette, except as noted in § 17-110. All refuse shall be disposed of in the City of LaFollette at the county landfill or other sites approved by the city. (Ord. #465, July 1981)

17-110. Disposal of refuse other than by city. Actual producers of refuse, including residential, commercial and business establishments or the owners of premises upon which refuse has accumulated, may convey and

dispose of such refuse provided they agree to comply with any requirements of the city code concerning contractors, etc., and the point of disposal, and apply for a permit granting them the right to collect, convey and dispose of the refuse. Applicants for this type of private disposal permit will not be exempt from paying the minimum disposal charges as provided in § 17-114 of this title. (Ord. #465, July 1981)

17-111. Collection practices. (1) **Residential points of collection.**

(a) Refuse containers shall be placed for collection at ground level on the property at the curb line where collection is made unless the subscriber has made arrangements to place the refuse container at another point and has so advised the city sanitation department of the location.

(b) Persons served by an alley abutting the property of the person shall place refuse containers as near as possible to the alley line, but not more than five (5) feet from the alley line on the day of collection service.

(c) Persons with unpaved or gravelled driveways and not capable of accommodating a refuse vehicle as described in paragraph § 17-111(1)(a) above, shall place refuse containers as near as possible to the street right-of-way or curb line on the day of collection.

(d) The City of LaFollette will not be responsible for driveways, shrubbery, down spouts, lawns, etc. while in the process of entering the premises for the purpose of removing refuse unless the person being serviced objects to the collection equipment entering the premises and advises the city sanitation department in writing of this objection.

(2) **Commercial or business points of collection.** (a) Placement of containers other than city owned receptacles shall comply with § 17-104(4).

(b) Commercial or business firms disposing of refuse under the provisions of § 17-110 may be permitted to place containers at places upon their premises by agreement of the contractual party or to suit the needs of the person responsible for the removal of refuse. (Ord. #465, July 1981)

17-112. Frequency of collection. (1) Refuse collection shall be made in the residential districts on regular scheduled routes so as to provide one (1) collection per week for each residence subscriber.

(2) Refuse collection shall be made in commercial or business areas as frequently as needed to prevent the occurrence of nuisances and public health problems in the City of LaFollette. (Ord. #465, July 1981)

17-113. Refuse collection and/or disposal service charges. The minimum monthly charge for refuse collection and/or disposal charges shall be as follows:

(1) Institutional, professional, industrial, fraternal or commercial or business establishments operated within the City of LaFollette shall pay a minimum fee of four dollars (\$4.00) or six dollars (\$6.00) per month depending on the size of the container, plus an additional forty cents (40¢) per cubic yard based on the service they receive as may be reasonably determined by the supervisor of the sanitation department.

(2) In unusual circumstances where city owned containers cannot be placed, the customer shall pay a minimum of \$4.00 per month based on one scheduled pickup, plus an additional amount as the service may reasonably justify.

(3) The city council may establish service boundaries limiting the daily refuse pickup service to customers within the boundaries. Proper notice may be given to customers outside the boundaries by publishing a map in a local newspaper on three (3) successive days as sufficient notice that the service cannot be provided on a daily basis. (Ord. #465, July 1981)

17-113A. Residential garbage service user fee. (1) Fees established, definition, collection rules and regulations. (a) There is hereby established a residential garbage service user fee to be charged to and collected from each household in the City of LaFollette, Tennessee on a monthly basis.

(b) Household is defined, for the purpose of this section, as all residential living units within the City of LaFollette, whether occupied or not, to which garbage and refuse pick up service is furnished by the City of LaFollette, and available for use whether utilized or not, and for which pick up service is not otherwise required to be provided as a commercial unit (or apartment development in excess of four (4) units).

(c) The residential garbage service fee is established at the rate of five dollars (\$5.00) per month per residential household.

(d) The city administrator is authorized and directed to institute collection mechanisms, rules, and regulations and means as shall be deemed by the city administrator to be efficient, appropriate and expedient to effect collections.

(2) Penalty for non payment. (a) It is unlawful to refuse or neglect to pay the monthly residential garbage service user fee when billed. Each user shall be given ten (10) days from the billing date to make payment to the city.

(b) Each thirty (30) day period that the service fee remains unpaid shall subject the owner or the tenant, whichever is the user, to a separate fifty dollars (\$50.00) civil fine for non payment.

(3) Collection of residential garbage service user fees. (a) The monthly residential garbage service user fee shall be added to each customer's

utility billing and collected by the LaFollette Utilities for the City of LaFollette.

(b) The LaFollette Utilities shall be paid a 7.5% administrative fee for the billing, collection, and distribution of said funds to the City of LaFollette. Distribution of said funds shall be made to the City of LaFollette on a monthly basis. (as added by Ord. #2002-03, July 2002)

17-114. Method of collecting service charges. (1) Institutional, professional, industrial, fraternal, and commercial monthly service charges shall be billed quarterly on or before the last date of the quarter. Failure to pay service charges will result in discontinuance of service.

(2) All institutional, professional, industrial, fraternal, commercial and business establishments and contractors requiring special handling or special rates due to unusual situations that prevail will be approved by the city administrator or his designee. (Ord. #465, July 1981)

17-115. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb on any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. Persons using containers without authorization will be subject to prosecution. (Ord. #465, July 1981)

17-116. Collection under supervision of city administration. All refuse accumulated within the corporate limits shall be collected, conveyed, disposed of under the supervision of such officer as the city administrator shall designate. Collections shall be made regularly in accordance with an announced schedule. (Ord. #465, July 1981)

17-117. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (Ord. #465, July 1981)

17-118. Violations. Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice or order issued by the health officer or the supervisor of the city sanitation department with reference to the storage, accumulation or disposal of refuse as set forth in this chapter shall be guilty of a misdemeanor and shall be subject to a fine under the general laws of the state. (Ord. #465, July 1981)

CHAPTER 2

CURBSIDE DEBRIS

SECTION

17-201. Curbside debris.

17-201. Curbside debris. (1) A service fee shall be charged for the pickup of curbside debris which requires one (1) man-hour of labor or more. For the purpose of this code, curbside debris shall include, but not be limited to: tree trimmings, brush, discarded building materials, furniture, and junk.

(2) The service fee shall be twenty dollars (\$20.00) per man-hour.
(Ord. #591, Nov. 1997)

CHAPTER 3

**PLACEMENT OF INFECTIOUS WASTE IN
GARBAGE COLLECTION CONTAINERS****SECTION**

17-301. Definitions.

17-302. Infectious waste prohibited in residential containers; exception.

17-303. Enforcement.

17-304. Testing of infectious waste.

17-305. Suspension of garbage pickup.

17-306. Violation.

17-301. **Definitions.** For the purpose of interpreting and applying this chapter, the following words shall have the meanings indicated:

(1) "Infectious waste" means needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, cover slips, and pasteur pipettes, and any other sharp objects that may potentially spread infectious disease.

(2) "Resident" means any citizen of LaFollette who has their household waste collected by or on behalf of the City of LaFollette. (Ord. #98-15, Sept. 1998)

17-302. **Infectious waste prohibited in residential containers; exception.** It shall be unlawful for any resident to dispose of infectious waste, including needles, syringes, lancets, scalpel blades, contaminated broken or sharp laboratory glassware including slides, cover slips, pasteur pipettes, and any other sharp objects that may potentially spread infectious disease in residential garbage containers for collection by city workers or others who may collect garbage on behalf of the City of LaFollette, except where such needles and other infectious waste are properly stored in containers so that solid waste collectors and processors may not come in contact with the infectious waste. (Ord. #98-15, Sept. 1998)

17-303. **Enforcement.** The city administrator shall have the authority to administer and enforce the provisions of this chapter related to disposal of infectious waste by city residents. (Ord. #98-15, Sept. 1998)

17-304. **Testing of infectious waste.** The city administrator shall assume that any infectious waste, as defined by this chapter, is a potential carrier of infectious disease, and shall have the authority to call upon any medical professional or laboratory to inspect any infectious waste discarded in household waste in the City of LaFollette, should he/she feel it necessary. (Ord. #98-15, Sept. 1998)

17-305. Suspension of garbage pickup. In the event that the city administrator determines that infectious waste has been improperly disposed of in residential containers, and that the violation constitutes an immediate hazard to the health, safety, and welfare of the citizens of the city or waste collectors, he/she may immediately suspend pickup of the resident's garbage. (Ord. #98-15, Sept. 1998)

17-306. Violation. It shall be unlawful and a misdemeanor for any person to violate any provision of this chapter, the penalty for which shall be a fine of \$50. Each day a violation occurs shall be considered a separate offense. (Ord. #98-15, Sept. 1998)