

City of Westmoreland
Ordinance # O102020-1

AN ORDINANCE TO AMEND TITLE 17 OF THE CITY OF WESTMORELAND
MUNICIPAL CODE BY DELETING TITLE 17 IN IT'S ENTIRETY AND SUBSTITUTING
THE FOLLOWING:

Title 17

Solid Waste

Chapter

1. Refuse

Section

17-1. Purpose

17-2. Definitions

17-3. Storage

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Sec. 17-1 Purpose

This chapter is determined and declared to be a sanitary measure for the protection and promotion of the health, safety, and welfare of the citizens of Westmoreland, hereinafter referred to as the City.

Sec. 17-2 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory.

- (a) "Ashes." All residues resulting from the combustion of coal, coke, wood, or any other material or substances in domestic, industrial or commercial stoves, furnaces, or boilers.
- (b) "Authorized residential container." Shall mean a 96-gallon roll-out cart used in semiautomatic or automated collection.
- (c) "Building materials." Any material such as lumber, brick, block, stone, rock, plaster, concrete, asphalt, roofing shingles, gutters, or any other substances accumulated as the result of repairs or additions to existing buildings or structures, constructions of new buildings or structures.
- (d) "Bulk container." Shall mean and include enclosed, metal or plastic, dumpster-type containers having a capacity of no less than two cubic yards.
- (e) "Cuttings." All tree limbs, trimmings, shrubbery, etc.
- (f) "Garbage." Putrescible animal and vegetable waste, liquid, or otherwise resulting from the handling, processing, preparation, cooking, and consumption of food and all cans, bottles, and other containers originally used for food stuffs.
- (g) "Garden refuse." All accumulations of plants, stems, roots, vegetables, and fruits remaining after harvest.

- (h) "Hazardous refuse." Any chemical, compounds, mixture, substances, 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 refuse.

The following is a list of substances which should not be placed with solid waste collected by the City.

1. Flammable liquids, solids, or gases such as gasoline, benzene alcohol, or other similar substances;
2. Any material that could be hazardous or injurious to City employees or which could cause damage to City equipment and/or facilities;
3. Hazardous waste as defined in Tennessee Code Annotated 68-212-104(7) and household hazardous waste as defined in Tennessee Code annotated 68-211- 802(a)(7);
4. Construction waste consisting of materials from construction, demolition, remodeling, construction site preparation including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering and all types of scrap materials;
5. Hot materials such as ashes, cinder, etc.;
6. Infectious waste including, but not limited to, those classified by the following:
 - (a) Isolation wastes - Wastes contaminated by patients who are isolated due to communicable disease as provided in the U.S. Center for disease Control Guidelines for Isolation Precautions in Hospitals (July 1983).
 - (b) Cultures and stocks of infectious agents and associated biological 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, waste from the production of biological, discarded lice and attenuated vaccines;
 - (c) Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such wastes include, but are not limited to, culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures, and stock of

etiologic agents;

- (d) Human blood and blood products - Waste human blood and blood products such as serum, plasma, and other blood components;
- (e) Pathological waste - Pathological waste such as tissues, organs, body parts, and body fluids that are removed during surgery and autopsy;
- (f) Discarded sharps - All discarded sharps, e.g., hypodermic needles, syringes, Pasteur pipettes, broken glass, scalpel blades, etc., used in patient care, medical research, or industrial laboratories;
- (g) Contaminated animal carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biological or in vitro testing of pharmaceuticals.

7. Human and/or animal remains.

- (i) "Industrial waste." All waste peculiar to industrial, manufacturing, or processing plants.
- (j) "Litter." All garbage refuse, and trash and all other waste material which, if thrown, deposited, or left unattended as herein prohibited, tends to create a danger to public health, safety, and welfare.
- (k) "Nonresidential establishments." Any establishment except those defined under residential establishments. Nonresidential establishments shall be divided into the following categories:
 - (1) Commercial - which shall include restaurants, motels, hotels, private cemeteries, retail and wholesale business establishments, and offices where a product is not manufactured.
 - (2) Industrial - which shall include all manufacturing and fabricating businesses.
 - (3) Governmental - which shall include local, State, and Federal governmental agencies.
 - (4) Educational facilities - which shall include all public schools and universities.
 - (5) Religious-which shall include all churches, synagogues, church-operated or affiliated agencies.

- (6) Fraternal, social, and professional clubs and organizations – which shall include lodges, social clubs, labor unions.
 - (7) Professional - which shall include all hospitals, doctors' offices and clinics, lawyers' offices, animal hospitals and clinics.
 - (8) Private educational facilities - which shall include all nonpublic schools, colleges, and universities.
- (l) "Park." A park, reservation, playground, recreation center, or any other public area in the City, and devoted to active or passive recreation.
 - (m) "Private premises." Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
 - (n) "Producer." Either the person responsible for the ashes, garbage, refuse, trash, industrial waste, and any other waste material or the occupant of the place or building in which such is produced or in which the person responsible for such has a place of business or residence.
 - (o) "Public place." Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
 - (p) "Refuse." All putrescible and non-putrescible solid wastes (except body waste) including garbage, trash, industrial waste, ashes, street cleanings, dead animals, and abandoned automobiles.
 - (q) "Residential establishments." Shall include single - or multiple-family dwelling units up to and including apartment's complexes, condominiums, or mobile home parks of four units or less.
 - (r) "Trash." Non-putrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, boxes, cloth, wrappings, crates, grass clippings, cuttings, leaves, glass, and similar material. It shall not include bulky refuse meaning stoves, refrigerators, water tanks, washing machines, furniture, automotive parts, tires, bedding, furnaces, or similar bulky material having weight greater than 50 pounds and/or a volume greater than 30 gallons. Trash shall be divided into three categories:
 - (1) Household trash - waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.
 - (2) Yard Trash - cuttings, leaves, grass clippings, etc. resulting

from normal maintenance and care of landscaped, manicured grounds and lawns but does not include cuttings and leaves from that portions of grounds that have been left in its natural state without annual maintenance.

(3) Business trash - shall mean any waste accumulation of dust, paper, cardboard, excelsior, rags, or other accumulations other than garbage, household trash, or industrial waste which are usually attendant to the operation of stores, offices, and similar businesses.

(s) "Vacant property." Shall mean all parcels of land without any permanent dwelling or business structure that have remained vacant for a period of two year without routine maintenance to the yard and grounds. This shall also include portions of grounds and/or yards left in their natural state.

Sec. 17-3 Storage

Refuse produced by keepers and/or owners of nonresidential establishments shall be contracted through a waste disposal company.

Sec. 17-4 Rules and regulations to implement chapter

The Public Works Director may make such necessary or desirable rules and regulations as are not inconsistent with the provisions of this chapter in order to aid in its administration and in order to ensure compliance and enforcement.

Sec. 17-5 Brush hauling

The city does not haul brush but it may be taken to the area about the city lake for drop off Monday- Friday from 9- 3:00. You may need to contact the Public Works Director or City Hall to Make sure the gate is open.

Sec. 17-6 Manner of loading, moving, and carrying material, garbage, etc., and tracking of foreign material

The owner, lessee, or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, trash, or any material which may, as a result of such vehicle's movement, be likely to blow, fall, or be scattered on or along City streets and alleys shall maintain such a vehicle in a secure condition and shall direct and supervise the loading of said vehicle in such a manner as to prevent any portion of such materials, products, or substances from falling, blowing, or being scattered on City streets or alleys as per current TDOT Standards. Nor shall garbage or other materials offensive to the sight or smell be removed or carried on or along the streets and alleys of the City unless it be in trucks having watertight beds or boxes with proper cover.

Sec. 17-7 Miscellaneous prohibited dispositions of refuse

No person shall place any refuse in any street, alley, or other public place or upon any private property, whether owned by such person or not, within the city except it be in proper containers for collection or under express approval granted by the Public Works Director. Nor shall any person throw or deposit any refuse in any stream, drainage way, or body of water.

Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 14 days after the effective date of this chapter shall be deemed violation of this chapter.

No person shall cast, place, sweep, or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, drainage way, sewer, parkway, or other public place, or into any occupied premises, within the City.

Sec. 17-8 Exclusive collection

It shall be unlawful for any person other than the City or its authorized contractor to engage in the business of collecting, removing, and disposing of refuse in the City except those private collectors specifically authorized by the City. The City shall establish rules and regulations to be adopted by the City Council to govern the activities of such private collectors. This does not prohibit establishments from collecting and hauling their own refuse so long as such refuse is stored, collected, and hauled as prescribed in this chapter.

Sec. 17-9 Premises to be kept clean and containers required

All persons within the City are required to keep their premises in a clean and sanitary condition, free from the accumulation of refuse except when stored as provided in this chapter.

It shall be the duty of every person in possession, charge, or control of any premises of a residential establishment, where garbage or trash containers, specified herein, for the deposit of garbage and trash generated on the premises.

Sec. 17-10 Authority of city to confiscate, etc. unsatisfactory containers

Containers used for the deposit of garbage in a 96-gallon roll-away cart, business trash, and/or household trash shall be in such good condition that collection thereof shall not injure the person collecting the contents nor be unsuitable for the healthful and sanitary storage of refuse substances. The City is hereby authorized to confiscate or to remove unsatisfactory containers from the premises of residential establishments that do not comply with the requirements of this article; City shall replace damaged carts that were purchased from the city. Lost or stolen carts are the responsibility of the property owner.

Sec. 17-11 Proximity of other personal effects

Garbage and trash 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 collector can clearly distinguish between what is to be collected and what is not to be collected. Personal effects stored or placed within three feet of a container or pile of trash

shall be prima facie presumed to be to be garbage or trash.

Sec. 17-12 Residential containers, storage, and requirements

Authorized residential containers shall be as defined in section 17-2 herein. Lids or covers of such containers shall be kept tightly closed and water tight at all times other than when refuse is being deposited therein or removed therefrom. Refuse may be stored for collection in the following manner: Garbage and household trash shall be stored in a 96-gallon roll-away cart.

- (a) Small limbs and twigs, grass clipping, small amounts of leaves and vines shall be stored in disposable containers such as plastic bags with no container exceeding 50 pounds in weight when full.
- (b) Leaves may be placed in plastic bags at the curbside for collection.

Sec. 17-13 Nonresidential establishment containers, storage, and requirements

Refuse produced by keepers and/or owners of nonresidential establishments shall be contracted through a waste disposal company.

Sec. 17-14 Residential collection practices: garbage collection: frequency, placement, etc.

- (a) It is required that all residents that have Westmoreland water and sewer service shall also have trash collection.
- (b) Cold ashes, garbage, and household trash shall be collected from each residential establishment at least once a week. The Public Works Director is authorized and directed to prepare schedules for regular collection of refuse.
- (c) Residential collection shall be made from curbside and approved City alleys. Where there is no alley or curbside, containers shall be located at pavement edge or as indicated by the Public Works Director. Alley collection service may be denied to residential establishments by the Public Works Director if such alley is not easily accessible to the city garbage truck.
- (d) Domestic producers of ashes, garbage, and household trash shall provide sufficient container space to hold one week's accumulation of refuse not to exceed two authorized residential containers.
- (e) All residents, except those approved for special assistance due to age, disability, or illness (or as listed in (g) below), shall place their wheeled containers at curbside or street side no later than 7:00 a.m. on the date of anticipated collection. Where streets are used by the refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the street pavement line if there is no curb, at such times as shall be scheduled by the City for the collection of refuse

therefrom. As soon as practicable, but no later than 7:30 p.m., after such containers have been emptied, they shall be removed by the owner or occupant to within, or to the rear of, the premises and away from the street line until the next scheduled time for collection. Trash collection pens; trailers etc. shall not be allowed for the purpose of trash accumulation.

- (f) Application for exemption to the requirements of (d) above may be made by any resident who is unable to push the container to the curb due to age, infirmity, illness, or disability and who does not have an able-bodied person in the residence. A doctor's statement may be required by the Public Works Director for backyard pickup.
- (g) Failure to comply. Any person or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter, specifically sections 17-3 and 17-4, shall be deemed to be guilty of an offense.

Sec. 17-15 Residential collection practices: trash collection: frequency, placement, and producer's responsibility

- (a) Trash shall be collected from each residential establishment on a schedule developed by the Public Works Director.
- (b) Trash collection shall be made from curbside only. Where there is no curb, containers and/or refuse shall be located as indicated in section 17-14 (b).
- (c) Leaves placed in plastic bags for collection shall be collected at curbside only. The placing of leaves in public streets, gutters or over storm drains is expressly prohibited. Collection of leaves, during the leaf season, shall be provided to each residential establishment as often as possible. Leaves should be collected in a maximum of 6 bags per week.
- (d) Trash or any other refuse not stored and placed as provided in sections 17-9 through 17-15 shall be removed from the premises by producer at his expense. The following items of refuse shall also be removed by the owner and/or producer at their expense:
 - (1) Building material as defined in section 17-2, whether generated by the contractor or the owner or any other person.
 - (2) Garden refuse as defined in section 17-2.
 - (3) Refuse including brush, leaves, stumps, vines, or any materials resulting from the cleaning or the clearing of vacant property as defined in section 17-2, whether such cleaning or clearing was done by a contractor or by the owner or any other person.

- (4) Any refuse so resulting from the maintenance of yard, grounds, and residences such as refuse removed from the property after the owner was ordered to remove such refuse by the City health inspector or any other authorized City official.
- (5) Automobile, truck, tractor, and other vehicle tires, batteries and any other motor vehicle parts shall be disposed of by owner or producer.
- (6) Any trash pushed or pulled into piles by mechanical means shall be disposed of by owner or producer.
- (7) Any trash resulting from work performed by contractors or any other person for economic gain, whether such gain is in the form of cash or barter, shall be removed by the owner, occupant, or producer. All landlord, clean-outs or evictions shall be removed at owners' expense as defined in Section 17-3 and 17-4.
- (8) Any other trash or refuse, except certain household items and appliances weighing in excess of 50 pounds or having a volume of more than 30 gallons, shall be removed by the producer.

Sec. 17-16 Non-residential collection practices: garbage and trash collection: frequency, placement, etc.

- a. The City of Westmoreland does not provide nonresidential collection (outside city limits customers).

Sec. 17-17 Industrial waste

The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant, or producer. The City does not provide service to industrial businesses.

Sec. 17-18 Hazardous refuse

No hazardous refuse, as defined in Section 17-2, shall be placed in any receptacle, container, or unit used for refuse collection by the City. The collection and disposal of such refuse shall be the responsibility of the owner, lessee, occupant, or producer.

Sec. 17-19 Cardboard boxes and cartons

Prior to being deposited as refuse for collection in approved containers, all cardboard boxes, cartons, and crates shall be completely collapsed.

Sec. 17-20 Containers

- (a) The city will offer suitable new 96-gallon roll out containers for sale at the prevailing rate, payable to the City of Westmoreland. Presentation of receipt to the public works director will cause the container to be delivered to the address shown

on receipt. The cart purchased is the responsibility of the customer for any loss or stolen issues.

(b) It shall be mandatory that all refuse picked up by the City be first placed in wheeled refuse containers approved by the City as follows:

- (1) Each owner, occupant, or other responsible person, as aforesaid, shall be responsible for keeping the refuse container clean and sanitary in compliance with health and sanitation requirements and shall keep container lids closed at all times. The container shall not be filled to overflowing. No refuse shall be placed in the container until such refuse has been drained of all free liquids.
- (2) The City shall be responsible for replacing the refuse container if it becomes damaged or dilapidated to the point where it cannot be safely dumped by equipment used by the City for that purpose.
- (3) Each owner, occupant, or other responsible person using or occupying any dwelling and/or building within the City limits shall be limited to a maximum of two 96-gallon wheeled refuse containers, except as allowed in section 17-22 (d) and shall pay the most recent price paid by the city for each wheeled cart purchased from the city.

Sec. 17-21 Disturbing containers

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 refuse containers for their intended purpose.

Sec. 17-22 Collection service

- (a) Supervision and control. Collection, conveyance, and disposal of refuse by the City shall be done regularly in accordance with an announced schedule under the supervision of the Superintendent of Public Works or his designee.
- (b) A refuse collection fee at the prevailing rate per month for two refuse containers for commercial customers receiving refuse collection service from the City of Westmoreland, Tennessee, is hereby established. Said refuse collection fee shall be billed to each such owner, occupant, and entity monthly on the utility billing from the City of Westmoreland, Tennessee. Failure to pay said refuse collection fee shall result in discontinuance of water service pursuant to procedures set out in T.C.A. Section 65-32-104 and 105 which are hereby adopted and incorporated herein by reference.

- (c) Collection of excess refuse. Each owner, occupant, or other responsible person using or occupying any building or other premises where more refuse accumulates each week than can be stored in two-wheeled containers must make other arrangements for collection and disposal of such excess refuse in a manner conforming with provisions of this chapter.
- (d) Multifamily dwellings may purchase and use additional wheeled refuse containers not to exceed a maximum of twenty (20) wheeled refuse containers. This provision is to serve small apartment complexes of 20 or less units. Such multifamily dwellings shall be provided once per week pickup service with all refuse containers to be brought to a central pickup point as designated by the Public Works Director.

Sec. 17-23 Failure to comply

Any person, persons, firm, association, corporation, or agent thereof who shall fail, neglect, or refuse to comply with the provisions of this chapter, specifically sections 17-3 and 17-4, shall be deemed to be guilty of an offense and shall be punishable under the general penalty clause of this code.

Sec. 17-24 Bulky and non-burnable items

The City normally offers a cleanup day in the spring and the fall. On this day the City will accept bulky and non-burnable items. The City does not pickup items unless the resident is disabled with no one living in the residence of able body to drop off.

Sec. 17-25 Disposal – At a proper resource recovery energy production facility.

All solid waste collected by any person, firm, or entity within the boundaries of the City shall be delivered to the proper resource recovery for processing.

Transition Plan:

Everything in this ordinance will be effective 1/1/2021 except the 96-gallon trash can requirement and the trash can pens will need to be removed by the property owner by December 31, 2020. The trash cans will be phased in with everyone expected to have the can by January 1, 2022. You can pre-purchase a can at City Hall at a cost of the prevailing rate payable at City Hall or the cost can be added to your water bill over four months unless other payment arrangements are made by contacting City Hall. We will order the cans in lots of 100 so we will wait until we get 100 orders and then order them. Once the entire amount is paid, a can will be delivered to your residence. Until all residents have the 96 gallon can, residents will be allowed no more than 2 cans or 5 bags of trash per week. A continuation of this violation will result in an additional charge added to your bill. If a resident has a 96 gallon can that rolls and has a lid it can be inspected by the public works department and approved for use.

All ordinances or parts of ordinances in conflict herewith are hereby repealed .

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Passed on First Reading 10/15/20

Passed on Second Reading 11/19/20

ATTEST:



JERRY KIRKMAN, Mayor



KESHIA TROUTT, City Recorder