

ORDINANCE NO. O-2011-023

"AN ORDINANCE TO REPEAL TITLE 17 OF THE CITY OF SEVIERVILLE MUNICIPAL CODE AND ADOPT NEW SECTIONS IN PLACE THEREOF, AND BEING AN ORDINANCE TO PROVIDE FOR THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC WITHIN THE CITY OF SEVIERVILLE

WHEREAS, the City of Sevierville's Refuse and Trash Disposal Ordinances, being Title 17, were last modified in 2007; and

WHEREAS, the Board of Mayor and Aldermen of the City of Sevierville have determined that further modifications to the Refuse and Trash Disposal Ordinances are necessary and desirable; and

WHEREAS, the adoption of this Ordinance would best serve the citizens of the City of Sevierville and its visitors, and for health and sanitation reasons, as well as fairness and efficiency dictate certain regulations are necessary to insure the proper collection and disposal of garbage and refuse and thus, it is in the best interest of the public health, safety, and welfare of the City of Sevierville.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SEVIERVILLE:

That Title 17 of the Sevierville Municipal Code be and the same is hereby repealed and in its place and stead, the following sections are adopted in place thereof, as follows:

17-101. PURPOSE

This Ordinance is determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the Citizens of Sevierville, Tennessee.

17-102. IN GENERAL

(1) 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) Refuse. All putrescible and nonputrescible solid wastes (except body waste) including garbage, trash, bulk rubbish, yard waste, construction waste, garden waste, industrial waste, ashes, and street cleanings.
- (b) Garbage. All wastes, including, but not limited to food waste, bottles, wastepaper, tin cans, clothing, but excluding, yard waste, leaves, construction waste, human or animal excreta or fecal matter, dead animals, mechanical parts, and bulk rubbish.
- (c) Residential Garbage. All wastes defined above as garbage generated by residential establishments or multiple unit housing facilities.
- (d) Nonresidential Garbage. All wastes defined above as garbage generated by nonresidential establishments.
- (e) Bulk Rubbish. Wooden boxes, cardboard boxes, crates, furniture, appliances, bedding, construction waste. This does not include yard waste, industrial waste, or hazardous waste.
- (f) Yard Waste. Grass clippings, leaves, tree and shrubbery clippings, and other related yard wastes resulting from normal maintenance and care of landscaped, manicured grounds and lawns but does not include cuttings and leaves from the clearing of grounds that have been left in its natural state without annual maintenance.
- (g) Construction Waste. Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters or any other substances accumulated as the result of repairs, removals, or additions to existing buildings or structures, and the construction of new buildings or structures.
- (h) Hazardous Waste. Means any chemical, compounds, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful to humans or the environment.
- (i) Industrial Waste. Shall mean all wastes peculiar to industrial, manufacturing or processing plants.
- (j) Ashes. All residues resulting from the combustion of coal, wood, or any other material or substances in domestic, industrial or commercial stoves, furnaces or boilers.
- (k) Litter. All garbage, refuse and other waste material which, if thrown, deposited, or left unattended as herein prohibited, that tends to create a danger to public health, safety and welfare.

- (l) Producer. Either the person responsible for the ashes, garbage, refuse, 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.
- (m) Public Works Director. The person (or his designee) hired by the City for the position of Public Works Director and has the responsibility of overseeing the Public Works Department, including refuse collection.
- (n) Class I Container. A container on wheels with a capacity of 65 or 95 gallons authorized and owned by the City that is rolled out to the public right-of-way by the user to the collection point designated by the City.
- (o) Class II Container. Shall mean and include front end loading, enclosed, dumpster-type containers having a capacity of no less than two (2) cubic yards or greater than ten (10) cubic yards. Such containers shall have the capacity, size and be the type as specifically authorized and approved by the Public Works Director. All dumpster-type containers being serviced by the City prior to the adoption of this Ordinance shall be considered Class II Containers.
- (p) Residential Establishments. Shall include single or multiple family dwelling units up to and including apartment complexes, condominiums or trailer parks of not more than two (2) units.
- (q) Multiple Unit Housing Facility. Shall include any apartment or condominium complex with three (3) or more units, any mobile home park with three (3) or more units, and any housing utilizing private roads or driveways for access.
- (r) Nonresidential Establishments. Any establishment except those defined under residential establishments or multiple unit housing facilities. Non-residential establishments shall be divided into the following categories:
 - (i) Commercial - which shall include restaurants, motels, hotels, private cemeteries, retail and wholesale business establishments and offices where a product is not manufactured.
 - (ii) Industrial - which shall include all manufacturing and fabricating businesses.
 - (iii) Governmental - which shall include local, state and federal governmental agencies.
 - (iv) Educational Facilities - which shall include all public schools and universities.

- (v) Religious - which shall include all churches, synagogues, church-operated or affiliated agencies.
- (vi) Fraternal, Social and Professional Clubs and Organizations - which shall include lodges, social clubs, and labor unions.
- (vii) Professional - which shall include all hospitals, doctors' offices and clinics, lawyers offices, animal hospitals, and clinics.
- (viii) Private educational facilities - which shall include all nonpublic schools, colleges, and universities.
- (s) Multiple Business Complex. Any group of more than one business located on one tract of property.
- (t) Park. A park, reservation, playground, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (u) 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 dwellings, house, building, or other structure.
- (v) Private Drive/Road. A roadway or driveway owned by a private individual or corporation used only for that business or residence.
- (w) Public Place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- (x) Public Right-of-Way. The area on and around the public streets, sidewalks, parkways, alleys, or other areas of common use by the traveling public, deeded, dedicated, and accepted by the City of Sevierville or the State of Tennessee.
- (y) Vacant property. All parcels of land without any permanent dwelling or business structure that have remained vacant for a period of two years without routine maintenance to the yard and grounds. This shall also include portions of grounds and/or yards left in its natural state.
- (z) Sevier Solid Waste, Inc. (SSWI). The not for profit corporation entity formed by interlocal agreement of the City of Gatlinburg, City of Pigeon Forge, City of Sevierville, and County of Sevier on November 30, 1988, responsible for the disposal of refuse in Sevier County.

(2) RULES AND REGULATIONS TO IMPLEMENT

The Public Works Director may make such necessary or desirable rules and regulations as are consistent with the provisions of this chapter in order to aid in its administration and in order to insure compliance and enforcement.

(3) 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 refuse is created or accumulated to keep or cause to be kept at all times containers, specified herein, for the deposit of refuse generated on the premises.

No person should 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 or other 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 thirty (30) days after the effective date of this chapter shall be deemed a 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, sewer, parkway, or other public place, or into any occupied premises within the City.

(4) PROXIMITY OF OTHER PERSONAL EFFECTS

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 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 refuse shall be prima facie presumed to be refuse. Placement of any item in the right-of-way shall imply that it is available for collection by solid waste crews.

(5) DISTURBANCE AND UNAUTHORIZED USE OF CONTAINERS

No unauthorized person shall uncover, rifle, pilfer, dig into, turn over or in any other manner disturb any refuse container belonging to another. All refuse containers in use on the premises of any commercial establishment shall be used solely and only by that establishment as a receptacle for its commercial refuse. No person shall use a commercial

establishment's refuse container unless specifically authorized by the commercial establishment.

It shall be unlawful to deposit refuse in a public receptacle in a park, except for refuse normally generated from picnics and similar activities carried on in the park.

(6) COLLECTION DURING HAZARDOUS WEATHER CONDITIONS

Refuse collection may be temporarily disrupted due to hazardous weather conditions. Public Works Director, in such times, is authorized and directed to make the public aware, through local media, the rearrangement of schedules applicable to any such disruptions.

17-103. CONTROL OF SOLID WASTE

The City of Sevierville to the maximum extent permitted by law, shall have the exclusive jurisdiction and exclusive right to provide for the disposition of and to control the collection, transportation and disposal of refuse within the corporate limits of the City of Sevierville.

17-104. AUTHORITY OF SEVIER SOLID WASTE, INC.

To the maximum extent permitted by law, the City of Sevierville hereby authorizes, appoints, designates and empowers SSWI to exercise all rights and powers of the City of Sevierville to provide for the disposition of and to control and regulate the collection, transportation, removal, and hauling and disposal of refuse delivered to them by the City of Sevierville. All municipal refuse collected within the corporate limits of the City of Sevierville shall be delivered to SSWI.

SSWI shall have the right to promulgate such rules and regulations as are necessary to implement this chapter, provided same are not inconsistent herewith. Said rules and regulations shall be enforced as provided for in Chapter 17-112 hereof.

17-105. APPROVAL OF NEW LANDFILLS

Prior to any new construction of a new landfill for solid waste disposal or solid waste processing within the corporate limits of the City of Sevierville or within one mile of the corporate limits of the City of Sevierville, the owner of such proposed facility shall secure the approval of the Board of Mayor and Aldermen of the City of Sevierville in accordance with T.C.A. Section 68-211-701 et seq.

17-106. PRIVATE COLLECTIONS, PERMITS, ETC.

(1) Manner of Loading, Moving, and Carrying Materials, 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, refuse 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. 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 is in trucks having watertight beds or boxes with proper cover.

Refuse shall be taken to the Sevier Solid Waste Composting Facility and all applicable dump fees shall be paid by the private collector.

(2) 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. 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 Ordinance.

(3) Private Collection Permit

(a) Application:

Any person desiring to secure a permit for the private collection of refuse as a private collector shall submit an application therefore to the Public Works Director. The application shall contain the following information:

- (i) Private Collector's name, business address, and telephone numbers. This includes persons doing business under fictitious names, members of partnerships, and offices of corporations or associations.
- (ii) A list of equipment intended to be used by the private collector within the City, including a full description thereof.
- (iii) The rates or charges to be imposed for private collections.
- (iv) The date upon which the applicant desires the permit to be issued.
- (v) Proof of vehicular liability insurance issued by a company authorized to do business in the State of Tennessee in the amounts of five hundred thousand dollars (\$500,000) for death or injury to any one (1) person in one accident, one million dollars (\$1,000,000) for death or injury to more than one (1) person in any one (1) accident and one hundred thousand dollars (\$100,000.00) for property damage.

- (vi) Proof of Workers' Compensation coverage in compliance with the state laws of Tennessee.
 - (vii) A list of current customers within the City of Sevierville.
 - (viii) Such other and further information as the Public Works Director may require.
- (b) Investigation and Issuance:
 The Public Works Director shall cause such investigation to be made of the facts stated in the application and, if verified, shall without delay issue the private collector's permit upon payment of the requisite fee.
- (c) Effective Period, Fee:
 The private collection permit shall be effective for the fiscal year beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void. The licensed private collector shall pay an annual fee as set forth in the Schedule of Fees, which fee shall be prorated as necessary, and paid in advance to the City.
- (d) Conditions of Issuing:
 The Public Works Director may impose conditions upon the issuing of a permit which are reasonably calculated to eliminate excessive noise, scattering of dust and dirt, scattering of materials, and similar nuisances, and to prevent obstruction of public streets and interference with traffic.
- (e) No Vested Right or Property Interest Acquired; Suspension, Revocation; Notice Hearings:
 No Vested right of property interest is acquired by the issuance to a private collector of an annual permit. Nor is there any vested right or property interest acquired by the issuance of a location permit to a particular location to be served by a private collector; and the annual permit or location permit may be suspended or revoked when it shall appear:
- (i) That any of the conditions thereof are being violated;
 - (ii) That the permit is being exercised in violation of this chapter or any ordinance or statute;
 - (iii) That the permit is being used for a purpose detrimental to public health, morals, peace and order, or is being used for a purpose foreign to that for which the permit was issued;
 - (iv) That the annual permit fee has not been paid;

- (v) That the application contains a falsehood;
- (vi) That the equipment being used by the private collector for collection or the containers used fail to meet the health and safety standards established by the City, State, or Federal government;
- (vii) That all refuse, garbage, and trash are not being deposited in approved landfill sites.
- (viii) That the private collector does not provide list of current customers within the City of Sevierville.

Ten (10) days written notice of suspension or revocation shall be given by the Public Works Director. Within such period of time the collector may ask for a hearing before the Public Works Director. If no request for a hearing is made, the suspension for the period listed or the revocation shall be final. Hearings before the Public Works Director shall be conducted informally, may be continued, and his decision shall be rendered within five (5) days after the close of such hearing; the decision of the Public Works Director in regard to the issuance, suspension, or revocation of private garbage collection permits shall be appealable to the City Council by filing a written notice of appeal with the City Administrator, and such City Council shall set a hearing thereon. The request for appeal to the Board of Mayor and Aldermen shall be made to the City Administrator within fifteen (15) days of the decision of the Public Works Director.

(g) Indemnity:

The private collector shall agree to protect, defend, and save the City of Sevierville, its elected and appointed officials, agents, employees, and volunteers while working in the scope of its duties as such, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of their defense, arising in favor of the private collector's employees or third parties on account of bodily or personal injuries, death or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the private collector and/or its agents, employees, or subcontractors.

(4) Rules and Regulations for Identification of Collectors

The Public Works Director may make rules and regulations for the identification of private garbage collectors and their equipment. Every private garbage collector shall keep such records, receipts, invoices, and other pertinent papers in such form as the Public Works Director may require, which shall be open to inspection by the City.

17-107. RESIDENTIAL COLLECTION PRACTICES

(1) Containers, Storage and Requirements.

Class I Containers shall be as defined in Chapter 17-102 herein. Each residential establishment as defined in Chapter 17-102 shall be supplied an approved Class I Container for use at that residence or housing unit only. The said container shall remain the property of the City of Sevierville. Owners of residential establishments will be responsible for the Class I Containers located at their property.

All containers shall remain the property of the City and shall remain at the property address where delivered. If more capacity is needed above that which the City assigns, an additional container may be provided for a fee set forth in the Schedule of Fees. The additional container shall also remain the property of the City of Sevierville. There shall be an additional monthly fee for additional containers, also addressed in the Schedule of Fees.

New construction and annexations will be provided a container as garbage collection service is established.

Multiple unit housing facilities as defined in Chapter 17-102, shall be required to provide, at the owner/developer's expense, a Class II Container as approved by the Public Works Director. Collection shall be in accordance with Chapter 17-108, Non-residential Collection Practices. Individually owned units as a part of multiple unit housing facilities accessed by public rights-of-way may be classified as residential establishments and may be eligible for Class I Container, curbside collection, as approved by the Public Works Director.

The following items shall be prohibited from being placed in any Class I Container:

- (a) Bulk Rubbish and construction waste as defined in Chapter 17-102.
- (b) Stumps, or large pieces of wood.
- (c) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzine, alcohol, or other similar substances.
- (d) Any material that could be hazardous or injurious to City employees or which could cause damage to City equipment.
- (e) Hot materials such as ashes, cinders, etc.
- (f) Human or animal waste, unless it is placed and secured in a plastic box or suitable paper bag.

- (g) Infectious wastes
- (h) Human/animal remains
- (i) Large plastic objects
- (j) Numerous metal objects
- (k) Large automobile parts, including tires

(2) Collection Practices: Garbage Collection, Frequency, Placement, etc.

Residential garbage shall be collected from each residential establishment at a frequency of once per week. The Public Works Director is authorized and directed to prepare schedules for regular collection of garbage. On the scheduled day of collection, residential garbage collection shall be made from curbside of the public right-of-way and approved City alleys. Where there is no alley or curbside, containers shall be located 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 a City garbage truck.

All residential garbage intended for collection by the City shall be placed in a Class I Container. The container lid must be closed with no garbage protruding from the container. Garbage and trash that is not placed in the Class I Container shall not be collected, except by special arrangement.

Containers shall be placed for collection no earlier than 7:00 p.m. on the day before collection and no later than 6:00 a.m. on the day of collection. Containers are not permitted to remain at the curbside collection point later than 7:00 p.m. on the day of collection. All containers serviced by the City collection equipment which are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant/property owner shall be replaced or repaired at the expense of the occupant/property owner, whichever in the opinion of the City is the most cost effective. Leaving containers at curbside except during the period specified for collection, or not otherwise secured, constitutes neglect by the occupant/property owner. Containers which are damaged or destroyed by the City collection equipment in the course of routine services, or through normal wear and tear which is through no fault of the user, shall be repaired or replaced at no charge to the user.

(3) Bulk Rubbish Roll-Off Containers

Residential establishments may request, for fees as listed in Schedule of Fees, a 14' roll-off container. Containers may be used for remodeling and/or cleanup projects or when a resident has more than one (1) load of bulk waste. The following items shall be prohibited from being placed in roll-off containers:

- (a) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzine, alcohol, or other similar substances.
- (b) Hot materials such as ashes, cinders, etc.
- (c) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag before being placed in the container.
- (d) Infectious or medical wastes.
- (e) Human/animal remains.
- (f) Large automobile parts, including tires.

17-108. NON-RESIDENTIAL COLLECTION PRACTICES

(1) Containers, Storage and Requirements

A Class II Container as defined in Chapter 17-102, is required for all nonresidential establishments and multiple unit housing facilities as defined in Chapter 17-102, respectively. The size and number of containers purchased by individuals or organizations shall be approved by the Public Works Director or his designee. Those nonresidential establishments using commercial curbside collection service prior to the adoption of this Ordinance may be exempted from using a Class II Container so long as the accumulation of their garbage between scheduled pickups can be stored in four (4) or less Class I Containers.

A need for more than four (4) Class I Containers will require that establishment to acquire an acceptable Class II Container. The Public Works Director may exempt nonresidential establishments from use of Class II Containers if the volume of garbage does not justify such use and/or if no suitable site for a Class II Container can be found.

The minimum facilities for any Class II Container(s) shall be a paved concrete pad with the size approved by the Public Works Director. Facilities for washing bulk containers, and a trap drain hooked to the City sanitary sewer if available or otherwise hooked to the subsurface sewage disposal system should be included as well.

Collection of refuse for nonresidential establishments shall be limited to garbage stored in Class I or II Containers, except by special arrangements.

The following items shall be prohibited from being placed in any Class II Container:

- (a) Bulk Rubbish and construction waste as defined in Chapter 17-102
- (b) Shrubbery and tree trimmings, stumps, or large pieces of wood
- (c) Flammable liquids, solids or gases, such as gasoline, oil, paint, benzine, alcohol, or other similar substances.
- (d) Any material that could be hazardous or injurious to City employees or

which could cause damage to City equipment.

- (e) Hot materials such as ashes, cinders, etc.
- (f) Human or animal waste, unless it is placed and secured in a plastic bag or suitable paper bag before being placed in the container.
- (g) Infectious wastes
- (h) Human/animal remains
- (i) Large plastic objects
- (j) Numerous metal objects
- (k) Large automobile parts, including tires

(2) Collection Practices: Garbage Collection, Frequency, Placement, etc.

Based upon the nonresidential establishment's refuse collection needs, the Public Works Director is authorized and directed to prepare schedules for regular collection of refuse. Frequency of collection will depend upon the establishment's number and size of containers and garbage generated.

Collection of refuse for nonresidential establishments shall be limited to garbage stored in authorized containers. Refuse not authorized to be placed in Class II Containers (See Chapter 17-108) shall be removed by the owner or producer unless special arrangement pickups can be scheduled by the Public Works Director within the provisions set forth in Chapter 17-109.

Garbage shall not be compacted or heavy items placed in with normal trash to cause the weight of the bulk container to exceed safe loading or handling capacities of garbage collection trucks of the City of Sevierville. If containers are filled so as to exceed the above stated limit, the refuse shall be removed and properly disposed of by the owner and/or producer at their expense.

It shall be incumbent upon tenants, lessees, occupants or owners of nonresidential establishments to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. The City shall not be liable for damage done to driveways, parking lots or other properties, resulting from normal use for ingress and egress to collect refuse, unless caused by negligence on the part of the City or its employees.

Nothing in this section shall prohibit non-residential establishments from removing their own solid waste or from contracting with a private collector for such removal provided said private collector shall have a valid permit to do such business

within the City.

Upon approval by the Public Works Director, a non-residential establishment may be eligible to use the residential Class I Container system and receive service the same as described in Chapter 17-107. The Class I Container shall remain the property of the City of Sevierville. The fees for this service shall be set in the Schedule of Fees.

The owner or developer of non-residential, industrial, or institutional facilities, such as malls, shopping centers, hospitals, medical centers, educational facilities, multiple unit housing facilities, and other major developments shall be required to show methods of handling solid waste and locations of all solid waste containers and handling equipment on an approved site plan to the City Planning and Development Department prior to beginning construction.

(3) Industrial Waste

No industrial waste shall be placed in any container used for refuse collection by the City. The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant or producer.

(4) Hazardous Waste

No hazardous waste shall be placed in any container 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.

(5) Cardboard Boxes and Cartons

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

(6) Compactors

Under special arrangements through Sevier Solid Waste, Inc., 40 cubic yard compactors may be provided for fees as listed in Schedule of Fees.

17-109. YARD WASTE, BULK RUBBISH, AND OTHER REFUSE

(1) Yard Waste/Brush Collection

- (a) Placement of Brush for Collection:
All brush (tree limbs, shrubbery, and hedge trimmings, etc.) must be placed at the edge of a street or public right-of-way easily accessible with City of Sevierville collection equipment. No item of yard waste placed out for disposal shall be placed on top of water/gas meters or valves, piled against utility poles, guy wires,

fences or structures, or in a place as to interfere with overhead power lines, tree branches, parked cars, vehicular traffic or in any other way that would constitute a public hazard or nuisance or cause damage to the collection equipment.

- (b) **Piling of Brush for Collection:**
All brush shall be neatly stacked in an unscattered manner. Small trimmings should be stacked on top of larger ones, but with butt ends pointed in the same direction. Brush collections shall not be made where brush is loosely scattered. A notice shall be given to the resident that collection cannot be made and the reason why it cannot be made.
- (c) **Separation of Items to be Collected:**
Yard wastes and bulk rubbish must be placed in separate piles for the purpose of collection. Bricks, rock, and dirt shall not be collected with yard waste.
- (d) **Length and Size of Brush:**
As a general rule, tree trunks, stumps, and limbs larger than twelve (12) inches, as measured across the diameter of the butt end, shall be cut into smaller pieces so that they are manageable for collection by the City equipment. All tree limbs longer than eight (8) feet in length must be cut into shorter pieces and stacked as described above.
- (e) **Grass Clippings and Leaves:**
Except during seasonal leaf collection as outlined in Chapter 17-109(4) below, all leaves and grass clippings shall be placed at curbside for collection. Leaves and grass clippings may be placed in Class I Containers for collection.

(2) Refuse Generated Through Private Enterprise

Except by special arrangement, the City of Sevierville shall not, during each collection period, collect more than one truckload of construction waste, bulk rubbish, brush, or any other form of refuse generated or produced by contractors, tree trimmers, or persons doing work for profit or personal gain. Special arrangements shall be required for lot or land clearing projects.

(3) Bulk Rubbish (Junk) Collection

The Public Works Director is authorized and directed to prepare schedules for collection of bulk rubbish as defined in Section 17-102. Bulk rubbish shall not be placed at the street for collection until the day before it is scheduled to be picked up. It shall be unlawful for any person, except authorized private collectors to remove any bulk rubbish from a residence or business establishment without prior written permission from the owner or producer.

(4) Seasonal Leaf Collection

(a) Schedule:

Fall leaf collection will begin in October (exact date depends upon climatic conditions) and will continue through January. The Public Works Director will schedule a two (2) week period in early spring in order to collect leaves from late shedding trees. The Public Works Director is authorized and directed to prepare schedules for leaf collection and to notify the public of such schedules. The schedule will be announced in various ways through the local news media and City of Sevierville website.

(b) Collection:

Leaves shall be raked into piles and windrows or placed in bags for collection during the leaf season and shall be collected at curbside only. The placing of leaves in public streets, gutters, or over storm drains is strongly discouraged. Collection of leaves, during the leaf season, shall be provided to each establishment at least once every two (2) weeks and more frequently when possible.

(5) Limitations

Refuse not stored and placed as provided in Chapters 17-107(1) and 17-108(1) shall be removed from the premises by the owner/producer at his expense. The following items of refuse shall also be removed by the owner/producer at his expense or by special arrangement with the City:

- (a) Construction Waste as defined in Chapter 17-102 whether generated by the contractor or the owner or any other persons.
- (b) Refuse including brush, leaves, stumps, vine, and any material resulting from the cleaning or clearing of "vacant property" as defined in Chapter 17-102 whether such cleaning or clearing was done by a contractor or by the owner or any other person.
- (c) Automobile, truck, tractor and other vehicle tires or gas tanks.
- (d) Any refuse, including yard waste, pushed or pulled into piles by mechanical means.
- (e) Not more than one (1) truck load of yard waste or bulk rubbish shall be removed from any residential establishment by the City per scheduled pickup unless it is determined by the Public Works Director to be in the best interest of the City for health, safety and welfare reasons to remove the entire accumulation.

17-110. EXCEPTIONS

Nothing in this Ordinance shall prevent any refuse producer from collecting, removing, and disposing of his own refuse and/or garbage, provided he does so in such manner as not to create a

nuisance and provided further that he pays all applicable disposal fees and also makes application to the Public Works Director and said application is approved as being in compliance with the intent of this Ordinance.

17-111. SCHEDULE OF FEES AND BILLING FOR SERVICE

(1) Schedule of Fees

The Board of Mayor and Aldermen shall establish a schedule of fees for collection, removal and disposal of all refuse and garbage for residential and non-residential establishments serviced by the City. A copy of said schedule shall be kept in the City Recorder's office for public inspection.

(2) Billing for Service

A solid waste disposal fee shall be included as a separate item each month on the water and/or sewer bills rendered by the City of Sevierville. Upon collection, money will be credited toward the payment of the total bill as follows: Solid Waste Disposal Fee, Sewer Charge and Water Charge. Water service shall be discontinued for failure to pay the Solid Waste Disposal Fee, in accordance with the Water System's Policy for discontinuation of water service for failure to pay a bill. Solid waste removal service shall also be discontinued for failure to pay the solid waste disposal fee.

Solid waste service shall be discontinued for residential customers with bills three (3) months past due and commercial customers with bills in excess of one thousand dollars (\$1,000.00) or three (3) months past due. A reinstatement fee will be charged to reinstate service.

17-112. VIOLATIONS

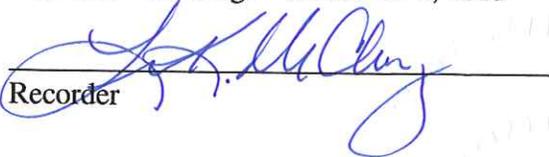
Any person violating or failing to comply with any provision of this Ordinance or any lawful regulation of the Public Works Director shall be subject to a penalty of not more than fifty dollars (\$50.00) for each offense and each day such violation continues shall be deemed to be a separate offense.

This Ordinance shall be effective from and after its adoption.

Date of 1st Reading: November 21, 2011

Date of 2nd Reading: November 21, 2011

Date of 3rd Reading: December 5, 2011


Recorder


Mayor