

**TITLE 17****REFUSE AND TRASH DISPOSAL<sup>1</sup>****CHAPTER**

1. REFUSE.
2. SOLID WASTE DISPOSAL.

**CHAPTER 1****REFUSE<sup>2</sup>****SECTION**

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**17-101. Definitions.** (1) "Refuse." The term "refuse" shall include garbage, rubbish, ashes, swill and all other putrescible and non-putrescible wastes except sewage and body waste, from all public and private establishments and residences. The term may be used interchangeably with the term "garbage."

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

Recycling centers: title 20

<sup>2</sup>Ord. # 2012-15 imposed a fee of \$255.00 for funding "A Universal System of Domestic Garbage Collection and Disposal." This ordinance is of record in the office of the recorder.

(2) "Commercial." The term "commercial" as used herein shall mean retail or wholesale, industrial, commercial establishments, businesses of any nature, apartments (not including duplexes), schools and related institutions and from all other sources except "domestic" sources, as herein defined.

(3) "Domestic Residence." The term "domestic residence" as used herein shall mean any building, structure or home, whether occupied or not, used for residential or dwelling purposes and shall include any mobile structure used for such purpose; provided, however, any structure which has never been occupied shall not be considered a "domestic residence" until occupied. Any domestic residence containing two dwelling units shall pay a fee for each dwelling unit. Any structure containing more than two dwelling units per recorded lot shall not be considered a "domestic residence". (Ord. 2002-23, June, 2002)

**17-102. Containers.** (1) Required. It shall be the duty of every residential property owner and person in charge of property where refuse is created or accumulated at all times to keep portable cans of approved size, type and construction and insure that all refuse is deposited therein.

(2) Specifications. Cans or containers shall be strong, watertight, not easily corrodible, rodent-proof, insect-proof, of not less than 20 and not more than 32 gallons capacity, and shall have handles at the sides and tight fitting lids.

(3) Condition of containers. When refuse is placed in or taken from the cans, the lids shall promptly be replaced. Each can shall be kept clean and free of odor.

(4) Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb any refuse container belonging to another.

(5) Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter.

(6) Location of cans. Cans shall at all times be reasonably accessible to the collector of refuse. (Ord. #1978-11, April 1978)

**17-103. Disposal or burning.** It shall be unlawful for any person to burn, dump, or in any manner dispose of garbage, refuse, rubbish, swill, ashes or other waste upon any streets, alleys, public places, trails or streams, or private property within the city, otherwise than as herein provided, except that paper collection drives, bottle collection drives may be carried on by non-profit institutions or clubs. No charge for removal of items shall be made against garbage customers. The disposal of refuse in any quantity by any person in any place, public or private, other than at a site or sites designated for refuse disposal is expressly prohibited. (Ord. #1978-11, April 1978)

**17-104. Swill, handling of.** It shall be unlawful for any person, firm or corporation conducting any hotel, restaurant, or any public eating place to deposit, throw or place swill or other refuse food matter in a lane, alley, street, or other public place or to deposit, throw or

place any swill upon any private property, trails, or streams, regardless of the ownership, unless the swill is enclosed in vessels or tanks of approved type by the mayor and which shall be watertight and shall have tightly fitting covers, which covers shall not be removed except when necessary for depositing or removing swill. Vessels and tanks shall be kept readily accessible for collection. (Ord. #1978-11, April 1978, modified)

**17-105. Disposal of garbage and other refuse.** All disposal of refuse shall be by method or methods approved by the city and such disposal shall also conform to all laws of the State of Tennessee regulating the disposal of refuse. (Ord. #1978-11, April 1978)

**17-106. Collection, contraction of.** The mayor, as the need arises, may advertise for bids for a contract covering the exclusive right to collect, remove and dispose of all domestic refuse from the city or any specific portion thereof under such terms and conditions as the mayor may set in the bidding specifications. The contract shall be for a period of not more than eight (8) years. Advertising shall precede bid opening by at least ten (10) days. The aldermen may refuse any and all bids and may award the contract based upon any of the following factors:

- (1) Bid price.
- (2) Qualification, reputation, education, training, experience and financial ability of the bidder and its key employees and owners.
- (3) The place of residence and accessibility of the owners, managers, supervisors and/or the other employees. (Ord. #1978-11, April 1978, modified)

**17-107. Refuse collection.** No company or person shall haul refuse within the city other than in a vehicle having a tight refuse compartment including a tight cover so that no leakage of liquids onto the street or blowing of trash and paper shall occur. Refuse collected by the City of Hendersonville or its designated agent shall become the property of the City of Hendersonville upon collection. (Ord. #1978-11, April 1978)

**17-108. Can weight.** Residential users of trash pickup shall not load cans to a weight in excess of 50 pounds. (Ord. #1978-11, April 1978)

**17-109. Dogs.** Dog owners shall restrain dogs known to be vicious so that they cannot reach refuse containers or intercept pickup men coming onto the property to pick up refuse. (Ord. #1978-11, April 1978)

**17-110. Replacement cans.** Customers shall be responsible for supplying and replacing refuse containers. Refuse containers which are unsanitary, rusted, or bent so that they cannot be tightly closed shall be replaced within ten (10) days after being tagged as unsanitary. Ten (10) days after being tagged, the collector of refuse may remove the container at the next routine trash pickup. (Ord. #1978-11, April 1978)

**17-111. Oversized wastes.** Oversized wastes such as Christmas trees and appliances shall be placed near the road on a regular pickup day. Other oversized wastes shall be boxed or bagged if practical and be placed near the street. (Ord. #1978-11, April 1978)

**17-112. Disposal of waste.** All persons or companies collecting solid wastes within the City of Hendersonville are directed to deliver the solid waste at such places as designated by the Board of Mayor and Aldermen of the City of Hendersonville.

The term "solid waste" shall include trash, garbage, chipped tree limbs, leaves and other waste products which would otherwise be transported to a landfill or other suitable dumping site for disposition.

Violation of this section shall be punishable by a fine not to exceed fifty dollars (\$50.00) plus costs. (Ord. #1986-19, June 1986, modified, Ord. 2005-31, August, 2005)

**17-113. Hours of collection located near residential buildings.** No person shall empty or remove any containers used for the accumulating of garbage or handling of rubbish between the hours of 11 P.M. and 6 A.M. when said containers are located within three hundred (300) feet of any building or structure used for residential purposes. Provided, however, the prohibition of such activity shall not be applicable when specifically permitted by the director of the public works. (Ord. #1993-5, Jan. 1993)

**17-114. Penalty.** Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the sum not exceeding fifty dollars (\$50.00) Each day that a violation is permitted to exist shall constitute a separate offense and the penalty, as herein provided, may be imposed for each violation or offense. (Ord. #1978-11, April 1978, modified)

**CHAPTER 2****SOLID WASTE DISPOSAL****SECTION**

- 17-201. Fill permit required.
- 17-202. Dumping regulations.
- 17-203. Construction debris.
- 17-204. Definitions.
- 17-205. Violations and penalties
- 17-206. Sign requirement.
- 17-207. Fence requirements.

**17-201. Fill Permit required.** It shall be unlawful for the owner and/or occupant of any property within the City of Hendersonville to allow and/or cause property to be filled or excavated without first obtaining a Fill Permit from the Codes Department.

- (1) A Fill Permit is not required for:
  - (a) Those individuals holding a valid Grading or Building Permit. A single family residential building site may fill the area located under the building pad and any area that is to be paved. The requirements of Section 17-201(4) and 17-202 - 17-203 will still apply.
  - (b) Sites where less than 100 cubic yards of material is being removed or brought to the site.
  - (c) Normal grading, shaping and/or landscaping on any site.
- (2) The owner and/or his authorized agent shall provide the following information when making application for a Fill Permits.
  - (a) A scale drawing showing:
    - The location of the property to be filled;
    - All vehicular access to the site and any proposed fencing or other means to be used to control vehicular access;
    - Erosion and sediment control measures;
    - The limits of the area to be disturbed.
  - (b) Approximate cubic yards of material to be disturbed.
  - (c) Name, address and phone number of the property owner or authorized agent, where applicable.
  - (d) Other information as needed when required by the City.
- (3) The Fill Permit application shall be reviewed and approved by the City Engineer, or his designated agent, prior to issuance.
- (4) Fill material is limited to dirt, rock, brick, block, concrete and other stable inert solids are permitted on all sites where designated.
- (5) The owner, occupant and/or their agent of any property within the City of Hendersonville involved in any Fill Permit shall remove all non-approved fill

material and then grade and level the site at intervals not exceeding ten (10) days. This interval may be reduced or increased at the discretion of the City Engineer. This requirement for grading and leveling is without regard to whether or not permission to place the material was given or a Fill permit was issued. All slopes created by such grading shall not exceed 45 degrees or be prior approved by the City Engineer.

- (6) All authorized fill sites shall provide sufficient signage indicating no unauthorized filling is allowed and what fill material is permitted.
- (7) All fill operation shall be conducted between sunrise and sundown unless prior approval is granted, in writing by the City Engineer.

**17-202. Dumping regulations.** It shall be unlawful for any person to dump, as defined in 17-204, any fill material, garbage, refuse or construction debris upon any public property, right-of-way or private property within the City of Hendersonville.

**17-203. Construction debris.** Construction debris generated at an individual construction site shall not be burned, buried or allowed to accumulate on site. Compliance with this section may be achieved by the use of any reasonable method of disposal of construction debris, including the use of dumpsters or other similar containers. In the event containers are used they must be emptied in a timely manner. An Open Burning Permit may be obtained from the Hendersonville Fire Department although it is limited to trees and limbs generated from that site and dimensioned lumber. No other materials, including treated lumber, cardboard, sheathing, siding, roofing, plastics or PVC pipe is to be burned. All residue remaining, except ashes, shall be removed from the site. Be aware that partially burned materials may not be accepted at Sumner County Resource Authority facilities.

- (1) A “workman’s fire” may be permitted from October through April after obtaining a Burning Permit from the Fire Department. A workman’s fire is to be limited to a controlled fire in a 55-gallon drum, or similar container, extinguished at the end of the workday. Only scrap wood, not including treated lumber, cardboard, sheathing, siding, roofing plastics or PVC pipe shall be burned. The Fire Department may establish additional guidelines or requirements where and when necessary. Failure to comply with all requirements of any Burning Permit could result in the applicant being denied additional permits.

**17-204. Definitions.** For the purpose of this chapter the following terms, phrases, words and their derivation shall have the meaning given therein:

- (1) “Construction debris” - Debris, other than hazardous materials, resulting from construction, remodeling, repair and demolition of structures. Bricks, blocks, concrete and other stable inert solid materials shall not be considered as construction debris by this regulation provided it is handled in accordance with the requirements and limitations of Section 17-201 - 17-203.

- (2) "Dump" - To place, discard or leave fill material, garbage, refuse or construction debris, as defined in this ordinance, or any property within the City of Hendersonville. Those individuals or sites operating in accordance with Section 17-201 and 17-203 are exempt.
- (3) "Garbage" - The animal and vegetable waste resulting from the handling, preparation, working and consumption of food.
- (4) "Owner" - Owner is deemed to mean and include a holder of any legal or equitable estate or vested interest in the premises, whether in possession or not.
- (5) "Refuse" - Discarded solid materials, other than garbage, construction debris and fill materials; and, the term shall include, but not be limited to dead animals, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metal, and residential and commercial appliances.

**17-205. Violations and penalties.** Violations of any of the provisions of this chapter for failure to comply with any of its requirements is hereby deemed and declared a misdemeanor and subject to the penalties herein provided and each day that such violations continue shall constitute a separate and additional violation. Any person who violates this chapter or fails to comply with its requirements shall upon conviction be fined a sum not to exceed fifty dollars (\$50.00). (Ord. 1999-05, April, 1999)

**17-206. Sign requirement.** The owner of any existing fill site shall grade and level the site as required by § 17-201 and post "NO DUMPING" signs at intervals not greater than one hundred and fifty (150) feet along access to the fill site or he shall comply with all applicable sections of this chapter in order to continue to fill the site. The sign required by this section shall read "NO DUMPING". All letters in the words "NO DUMPING" shall be ten (10) inches in height and the stroke shall be two (2) inches. (Ord. #1979-32, Aug. 1979)

**17-207. Fence requirements.** (1) After obtaining the required permit to fill land the property owner shall construct a substantial fence with gates for access or provide other adequate means approved by the director to control access to the fill site. Said fence shall be not less than five (5) feet nor more than six (6) feet in height and may be erected along the property line except where access to the site is from a public right-of-way an area must be provided at the access to permit a vehicle to stop and not interfere with traffic along the right-of-way.

(2) After providing the access control the owner shall post a sign at each access to read "DUMP DIRT AND ROCK ONLY AS PER CITY CODE, SECTION 17-201". (Ord. #1979-32, Aug. 1979)