

AMENDED ORDINANCE NO. 02102-10

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 14, SOLID WASTE IN ITS ENTIRETY

WHEREAS, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time; and

WHEREAS, The Mayor and City Council have recommended that the City of Gallatin Municipal Code, Chapter 14, Solid Waste, be deleted in its entirety and replaced as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 14, Solid Waste, be deleted in its entirety and replaced with the following:

**CHAPTER 14
SOLID WASTE**

Sec. 14-1. – 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 Gallatin, hereinafter referred to as "the City." It outlines the measures to be implemented to provide for the appropriate disposal of solid waste.

Sec. 14-2. - Definitions.

For the purpose of this chapter, 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.

Back door pick-up. Service provided by the City for disabled, infirmed, or ill customers, lacking the physical ability to move their container to appropriate servicing point for City equipment. Service is provided as outlined and conditioned in the ESOSWD document.

Bulk Item. Any item that will not fit in standard solid waste container, excluding building materials, hazardous waste, industrial waste, or other items or materials that are not collected by standard City equipment.

Building materials. Any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters, flooring, carpet, or any other substances accumulated as the result of repairs or additions to existing buildings or structures, construction of new buildings or structures.

Container. A can, dumpster, or other storage vessel used for collection and storage of solid waste

Cuttings. All tree limbs, trimmings, shrubbery, etc.

Environmental Services Overview of Solid Waste Disposal (ESOSWD document). Document published by the City Environmental Services Department outlining the regulations, guidelines, policies, and procedures for City Solid Waste collection services.

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.

Garden refuse. All accumulations of plants, stems, roots, vegetables, and fruits remaining after harvest.

Hazardous refuse. Any chemical, compounds, mixture, substances, or articles 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. 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 T.C.A. 68-212-104(9) and household hazardous waste as defined in T.C.A. 68-211-802(a)(7);
- (4) Construction waste consisting of materials from construction, demolition, remodeling, or construction site preparation including, but not limited to, rocks, bricks, dirt, debris, fill, plaster, guttering, and all types of scrap materials;
- (5) Human or animal excrement;
- (6) Hot materials such as ashes, cinders, etc.;
- (7) 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 wastes. Pathological wastes 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.

(8) Human and/or animal remains.

Industrial waste. All wastes peculiar to industrial, manufacturing, or processing plants.

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 or nuisance to public health, safety, and welfare.

Nonresidential establishment. Any dwelling, building, or facility that is not a home for an individual family unit, as allowed by the current zoning ordinance. Nonresidential establishments as defined in this chapter also include multi-use, multi-family, and mixed use dwellings, buildings, and facilities.

Producer. Person or entity responsible for generation of solid waste.

Public Place. Area, publicly or privately owned, to which the public have access by right or invitation, expressed or implied.

Refuse. All putrescible and nonputrescible solid wastes (except body waste) including garbage, trash, industrial waste, ashes, street cleanings, dead animals, and abandoned automobiles.

Trash. Nonputrescible 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 fifty (50) pounds and/or a volume greater than thirty (30) gallons. Trash shall be divided into three (3) 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 portion of grounds that have been left in its natural state without annual maintenance.
- (3) *Business trash.* 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.

Solid Waste. Garbage, building materials, cuttings, refuse, waste, litter, trash or any solid material needing disposal and as defined in TCA 68-211-103.

Sec. 14-3. - Rules and regulations to implement chapter.

The superintendent of public works may make such necessary or desirable rules and regulations as are not inconsistent with the provisions of this chapter in order to aid in administration and in order to insure compliance and enforcement.

Sec. 14-4. – Solid Waste Storage.

Each owner, occupant, or other responsible person using or occupying any building or property within the City is required to store solid waste in closed containers or other designated acceptable manner suitable for pickup and disposal by private or public means in compliance with federal, state, and local laws and regulations.

No person shall place any solid waste 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 superintendent of public works. Nor shall any person throw or deposit any solid waste in any stream, drainageway, or body of water.

Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste shall be deemed a violation of this chapter and subject to enforcement as set out in this Code.

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

It shall be the duty of every person in possession, charge, or control of any premises or establishment, where solid waste is created or accumulated to keep or cause to be kept at all times containers, specified herein, for the deposit of solid waste on the premises.

Sec. 14-5. – Solid Waste Movement.

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, solid waste, 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 be in trucks having appropriate encapsulation, sealing, and proper cover.

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, drainageway, sewer, parkway, or other public place, or into any occupied premises within the City. Violations of these provisions shall be treated as violation of section 12-30 of Code.

Sec. 14-6. – Solid Waste Dumping.

Solid waste dumping is prohibited as outlined in Section 18-197 of this Code.

Sec. 14-7. – Recycling and Solid Waste Reuse.

All producers of solid waste are encouraged to recycle and reuse as much solid waste as possible. The City may establish recycling and reuse services, including drop off centers and collection services as deemed feasible by the superintendent of public works. Guidelines for these services are outlined in the ESOSWD document. Depositing or dumping of materials not specifically identified as being recyclable at said drop off centers or collection points shall be considered dumping as identified in section 18-197 of Code.

Sec. 14-8. – City Solid Waste Collection Services.

The City may provide solid waste collection services through its Environmental Services department as it deems feasible. If service is deemed infeasible, it is the owner's responsibility to provide for other means of solid waste collection and disposal through self-service or private contractors. Conditions and regulations governing City collection service are provided below.

- (a) Collection services of acceptable solid waste are made in accordance with the ESOSWD document available on the City's website or Public Works Department. Collection service may be denied by the superintendent of public works if adequate access to the solid waste is not available or space for appropriate storage of the solid waste is not available. Fees for collection services are as outlined herein.
- (b) Collection services include container collection, brush and yard waste collection, and bulk item collection.
- (c) Long driveway and private road (over 400' from public roadway) collection services can be provided for customers that desire not to bring solid waste to the public road. This service has additional costs as outlined below and requires a release of liability for City equipment entering said private property. Provisions of this service are contingent upon ability of appropriate equipment to safely provide the service, as determined by the superintendent of public works.
- (d) Customers who cannot place containers as outlined in the ESOSWD document, due to age, disability, infirmity, or illness may request back door pickup. A doctor's statement will be required annually along with a release of liability for entering property for provision of this service.
- (e) Containers used for solid waste collection must meet the standards outlined in the ESOSWD document. Maintenance, ownership, and responsibility of said container, are the customer's responsibility. Damage to container due to normal servicing is the responsibility of the container's owner. Service will not be provided for containers that are not in acceptable condition, as determined by the superintendent of public works.

- (f) Brush and yard waste collection service are provided as outlined in the ESOSWD document.
- (g) Bulk item pick-up, as defined in Section 14-2, is available as outlined in the ESOSWD document
- (h) The following solid waste are not eligible for pickup by City collection services:
 - a. Any waste not stored or placed as required by this Chapter or the ESOSWD document.
 - b. Any bulk-items, brush, leaves, stumps, vines, or other materials resulting from work done on property other than those for which service is provided.
 - c. Any bulk-items, brush, leaves, stumps, vines, or other materials resulting from work done by commercial contractors for the purposes of land clearing or development.
 - d. Building material or hazardous refuse as defined in Section 14-2, whether generated by a contractor or the owner or any other person.
 - e. Automobile, truck, tractor, and other vehicle tires and any other motor vehicle parts shall be disposed of by owner or producer.

Sec. 14-9. - Collection service and fee.

- (a) A container collection fee of sixteen dollars (\$16.00) per month per container for all owners, occupants, and entities wishing to receive refuse collection service from the City, 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. Failure to pay said refuse collection fee shall result in discontinuance of service.
- (b) A "long driveway" or "private road" (over 400' from public roadway) fee of eight dollars (\$8.00) per month for all customers receiving said service outlined above is established. Said fee shall be billed annually in lump sum amount of ninety-six dollars (\$96.00) per year
- (c) A onetime brush collection fee of one hundred fifty dollars (\$150) per trailer load for Non-Environmental Services customers or special collections outside of the normal brush route.

Sec. 14-10. - Authority of city to confiscate, etc. unsatisfactory containers.

Containers used for the deposit of solid waste 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 solid waste substances. The City is hereby authorized to confiscate or to remove unsatisfactory containers from the premises of properties that do not comply with the requirements of this chapter; provided, however, that the owners or their agents or lessees of such containers shall be duly notified of such impending action by five (5) days' notice in writing delivered to the premises on which the unsatisfactory container is located. Cost for removal will be assessed against said property.

Sec. 14-11. - Proximity of other personal effects.

Solid waste 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 (3) feet of a container or pile of solid waste shall be prima facie presumed to be solid waste to be collected.

**Sec. 14-12. - Nonresidential establishment containers, storage, practices and requirements.
Solid waste produced by keepers and/or owners of nonresidential establishments.**

- (a) City solid waste collection services can be provided if determined to be appropriate by the superintendent of public works. Determination will be made based upon:
 - a. Ability to provide service.
 - b. Quantity of solid waste being collected.
 - c. Appropriateness of containers to be used for storage of the solid waste in the area.
 - d. Location and accessibility of containers to be serviced.
- (b) Appeal procedure for disputes between producer and the superintendent of public works. Within ten (10) days after the mailing of the notice or the service thereof, of the superintendent of public works' decision, the keepers or owners of the nonresidential establishment may appeal to the city council for a hearing to contest the decision.
- (c) Producers not utilizing City solid waste collection services shall provide for storage, collection services and methods, and screening for storage compliant with the City zoning ordinance.

Sec. 14-13. - Industrial waste.

The collection and disposal of industrial waste shall be the responsibility of the owner, lessee, occupant, or producer.

Sec. 14-14. - Hazardous refuse.

No hazardous refuse, as defined in Section 14-2, 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. 14-15. - 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 solid waste containers for their intended purpose.

Sec. 14-16. - Disposal—At Sumner County Resource Authority.

All solid waste collected by any person, firm, or entity within the boundaries of the City shall be delivered to the Sumner County Resource Authority for processing.

Sec. 14-17. - 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, shall be refused service or deemed to be guilty of a misdemeanor and shall be punishable under the general penalty clause of this code.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect July 1, 2021, the public welfare requiring such.

PASSED FIRST READING: May 4, 2021.

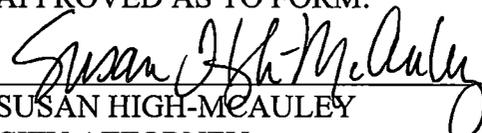
PASSED SECOND READING: May 18, 2021.


MAYOR PAIGE BROWN

ATTEST:


CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:


SUSAN HIGH-MCAULEY
CITY ATTORNEY



City of Gallatin



Public Works
Environmental Services Department
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Gallatin, Tennessee 37066
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www.gallatin-tn.gov/publicworks



Environmental Services Overview of Solid Waste Disposal

The Public Works Environmental Services Department is responsible for all residential solid waste disposal within the Gallatin City limits including Garbage Pick-Up, Brush Pick-Up, Bulk Item Pick-Up and Recycling. It is our mission to provide quality municipal solid waste services and environmental programs that are safe, efficient, cost effective and environmentally responsible. We are proud to offer Garbage Pick-Up service along with free brush and bulk item pick-up, and recycling bins at the Public Works office for City of Gallatin residents.

Garbage Pick-Up

The City provides optional garbage pick-up service once a week, at a charge of \$16/per container/per month. Applications for garbage pick-up service are available at the Public Utilities Office, Public Works Office, and online at www.gallatin-tn.gov/publicworks. Gallatin predominantly utilizes fully automated garbage trucks to service garbage containers. Customers must provide containers that are compatible with the City's automated equipment. Garbage containers are serviced Monday-Thursday. Contact the Environmental Services Department to determine what day your street is serviced or visit our website.

Garbage Service

We request your cooperation in order to provide safe and efficient garbage pick-up services. The following guidelines have been established for trash service customers:

- Container(s) must be placed at the curb/street no later than 7 AM the day of service, and must be returned to the back of the property within 24 hours.
- Container(s) must be placed in upright position at the curb, with handles facing away from the street.
- Container(s) must be placed a minimum of 3' in all directions from any other object (i.e. mailbox, power pole, second can).
- Container(s) must have a functioning lid that is closed completely.

- Container(s) must be in serviceable condition (i.e. bars intact, container free from cracks, both wheels present, etc.)
- Brush, dirt, bricks, rocks, tires, construction materials or other hazardous materials (paint, gasoline, needles, etc.) shall not be placed in the garbage container.
- Please make certain that all trash is confined to the container and any loose/lightweight items are bagged to avoid litter. On pickup day our trucks only dump contents of containers.

The following policies are in place to provide efficient and accommodating garbage pick-up service for all of our customers:

- Two "Courtesy Dumps" are provided per calendar year. A Courtesy Dump is when a container is not placed out on time or in proper position, and a driver back tracks their route to service the can.
- "Backdoor Service" is available for disabled persons who have no able-bodied person living in the home. A doctor's statement shall be provided to the Public Works Director for his approval. Once the doctor's statement and release allowing a City employee to access the property to retrieve the can are submitted, Backdoor Service may be provided.
- Customers that desire service for residences with driveways 400' or more, may request pick-up at the house, rather than at the road, for a fee of \$8/month. Said fee will be billed annually in a lump sum amount of \$96/year. The driveway must be traversable by City garbage trucks, with an adequate area to turn around for this service. A signed release must be completed authorizing City employees to access the property.

Garbage Containers

Garbage containers can be purchased from the City Records Office (132 West Main Street) at the City's cost per container. Containers purchased from the City, come with a 10-year warranty, which the City will honor on the container. Garbage containers can also be purchased at retail/hardware stores, but must be compatible with the City's automated equipment.

Garbage containers are the responsibility of each customer. In the event damage or wear occurs to a container purchased from the City, and is still covered under the 10-year warranty, the City will work to make the repairs necessary. If the can was not purchased from the City, any damage/replacement is the responsibility of the owner.

Please be aware containers that are repeatedly over filled, subjected continuously to the elements, or left dirty will have much shorter life spans, than those that are properly cared for. Once containers are worn to a point that trucks have trouble servicing them, drivers will leave notice that the container needs replacing, or the container will not be serviced. Again, the container is the responsibility of the customer.

Brush Pick-Up

The City provides brush pick-up for Environmental Service customers with trash collection service. This service includes roadside pick-up of up to one 20 cubic yard trailer per route cycle. A fee in the amount of \$75.00 shall be charged for any amount of brush in excess of this. The City will provide brush collection for Non-Environmental Service customers or special collections outside of the normal brush route for a fee of \$150.00 per 20 cubic yard trailer load. Non-environmental service customers wanting to have brush collection must contact Environmental Services at 615-452-2147. Brush includes limbs, branches, logs, and shrubbery. City brush trucks generally make it by each residence every 3-4 weeks for collection, depending on the amount of brush being collected throughout the City. For brush to be collected, the following guidelines must be followed:

- Brush including limbs/logs must be no longer than 15'
- Brush must be placed within in 2' of the edge of roadway/sidewalk/curb, with limbs/logs facing the same direction.
- Brush should be free of any other debris (i.e. paper, furniture, treated or painted wood).
- Place brush away from driveways or intersections in a manner that does not reduce visibility.
- Brush shall not be placed in the sidewalk or roadway travel paths.

Leaf Pick-Up

Leaves, lawn clippings, and mulch shall be placed in brown recyclable bags, available at local retail/hardware stores, and must be placed at the curb/street. In order to schedule leaf pickup, phone Environmental Services at 615-452-2147. Leaf bags will be picked up the day after your regular curbside trash pickup, except for weeks that contain a city observed holiday. Do not mix any non-organic materials in these bags.

Bulk Item Pick-Up

The City provides bulk-item pick-up for items too large to be disposed of in garbage containers. These items are picked up on Fridays, and must be called in to 615-452-2147 for pick-up by Thursday at 3:30 PM. Bulky items eligible for pick-up include furniture, appliances, and scrap metal. New move-ins are allowed a maximum of (3) pick-ups for cardboard boxes. Cardboard boxes will not be picked up any other time. If you have an item that will not fit in the container and is not listed, please contact our office for clarification and disposal instructions. The following items are not eligible for pick-up:

- Cardboard boxes (please recycle)

- Tires (Your local tire dealer or the resource authority will take tires for a cost)
- Dead animals
- Dirt, rock, concrete, bricks, etc.
- Gas tanks and other hazardous waste.
- Building materials (tile, drywall, paneling, shingles, carpet, cabinetry, etc.)
- Miscellaneous items that are small enough to fit into the trash container (excess trash, clothes, toys, small kitchen appliances, etc.)

Recycling

Gallatin currently offers drop off recycling for steel, aluminum, plastic, glass, cardboard, paper, and textiles at the Public Works building located at 641 Long Hollow Pike.

We strongly encourage citizens to utilize these facilities. Recycling not only benefits the City by reducing the amount of garbage going into the waste stream, but also preserves our natural resources, minimizes pollution, and saves long term tax payer dollars and resources.

When dropping off recycled items, please make sure to properly sort your items, and place them in the appropriate bins. When bins are contaminated with non-compatible items, they are no longer able to be recycled. We do not offer recycling for styrofoam or plastic bags.

Feel free to contact the Environmental Services Department (615)452-2147 with any questions, including billing, service days, holiday schedules, etc. or visit our website at www.gallatin-tn.gov/publicworks