

ORDINANCE 2011-11

ORDINANCE AMENDING TITLE 17, REFUSE AND TRASH DISPOSAL, OF THE MILLINGTON MUNICIPAL CODE TO REVISE VARIOUS SECTIONS RELATIVE TO SERVICES, FEES AND ADJUSTMENT TO FEES

WHEREAS, the Board of Mayor and Aldermen, after a work session and in consultation with City staff, has conducted a review of practices which have developed over the years with regard to billing for water, sewer, sanitation and storm water services and fees and has determined that some such practices have been inconsistent with the Millington Municipal Code; and

WHEREAS, the Board desires to adopt the amendments to the Millington Municipal Code proposed by City staff as set out herein to insure that City practices are consistent with said Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, that Title 17, Refuse and Trash Disposal, of the Millington Municipal Code, be and the same hereby is, amended as follows:

1. Chapter 1, Refuse, Section 17-103 is amended by deleting the present section in its entirety and substituting the following new Section 17-103:

A. Duty to have containers.

It shall be the duty of every person in possession, charge or control of any premises where solid waste is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. Only containers issued by the City shall be used for residential or commercial collection service provided by the City. It shall be incumbent upon every person in possession, charge or control of any premises to which a City-owned cart has been issued, to insure the security of such cart from the perils of theft and damage . The cost of damage or loss occurring to a cart as a result of a failure to adequately secure it shall be borne by the person in possession, charge or control of the premises who shall also be responsible for reporting any damage or loss of the cart to the City Public Works Division as soon as the damage or loss is realized. The cost of damage to the cart caused by fire shall be borne by the person in possession, charge or control of the premises, without regard to the time or location of the cart when such damage occurs.

B. Container requirements.

Lids or covers of all garbage containers shall be kept tightly closed at all times other than when solid waste is being deposited therein or removed therefrom. Containers used for the deposit of solid waste for collection by the City shall be in good condition so that the collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly reported to Public Works for replacement or repair.

C. Fifty-five gallon drums prohibited.

Fifty-five (55) gallon drums are specifically prohibited from use as containers for solid waste.

D. Cleanliness.

It shall be the duty of both the person in possession, charge or control of any premises, as well as the owner of the premises, to comply with the provisions of this sub-section regarding the cleanliness of the premises and keeping containers properly closed.

2. Chapter 1, Refuse, Section 17-104 amended by deleting said section in its entirety and substituting the following new Section 17-104:

“Residential refuse containers shall be placed curbside in front of the house for collection unless Public Works has designated an alley behind the property for collection. In such case the refuse container shall be placed curbside at the alley. Commercial containers must be located as required by Public Works based on property configuration. Public Works may authorize individuals with special needs or disabilities to receive service without placing their container curbside.”

3. Chapter 1, Refuse, Section 17-109 (1) (b) is amended by adding the following to the existing language:

“City staff shall calculate the prorated amount for partial month service.”

4. Chapter 1, Refuse, Section 17-109 (1) (b) is amended to reduce the monthly service charge for each residential dwelling unit and commercial locations receiving residential type service from \$24.00 to \$21.00 effective for the month that they city implements once a week residential collection service. The schedule of service codes and rates shall be adjusted to reflect this amendment.

5. Chapter 1, Refuse, Section 17-109 (1) is amended to add new subsection (c), as follows:

“17-109(c) Residential locations serviced by the City may lease additional refuse containers for \$3.00 each per month in addition to the normal monthly rate established in Section 17-109 (1) (b). Previously purchased City refuse containers may be transferred to the Cart Lease Program in exchange for five (5) months of free lease service. The City will not provide any collections service for previously purchased carts after June 30, 2012. Commercial businesses, including churches, are not eligible for this service. This program can only be added and deleted once during the City’s fiscal year.”

6. Chapter 1, Refuse, Section 17-109 (5) is amended by adding the following language at the end of said Section:

“Business obtained non-shared commercial dumpster service may be billed for the sanitation service regardless of whether they are directly billed for a separate water meter.”

7. Chapter 1, Refuse, Section 17-109 (7) is amended by adding the following new subparagraph thereto:

“Used home appliances from within the residential address may be picked-up by the City and the customer shall be required to pay \$25.00 per appliance. Tags indicating this payment has been made may be obtained at City Hall. These tags must be placed on the appliance before the pickup will be made.”

8. Chapter 1, Refuse, Section 17-110 is amended deleting said section in its entirety and substituting the following new Section 17-110:

“All non-residential locations within the City shall be responsible for commercially contracting for the pickup, storage and/or disposal of used tires in compliance with applicable federal and state laws related to disposal.

The City will pickup and dispose of used tires from residential locations unless the volume indicates a non-residential source of the tires. No additional fee shall be charged for this residential service.”

9. Chapter 1, Refuse, New Section 17-112 is added, as follows:

“17-112. Service required. All occupied residential properties must have service from the City, and all occupied non-residential properties must have service from the City or a licensed private contractor. Vacant property without current service may not

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place refuse or trash for disposal without prearrangement with the City. Such arrangement requires payment in advance at the rate of \$100 per truckload or any part thereof. “

10. Chapter 1, Refuse, New Section 17-113 is added, as follows:

“17-113. Contractor generated refuse and trash. Any customer who hires a third party to perform work on a property shall require the third party contractor to remove all refuse and trash, including yard waste, from the property on completion of the work.”

BE IT FURTHER ORDAINED, that all Ordinances heretofore passed in conflict herewith are hereby repealed insofar as they are in conflict with this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its third and final passage, the public welfare requiring it.

Linda L. Carter
Mayor

Carolyn K. Conley
City Clerk

First Reading: November 7, 2011
Second Reading: May 21, 2012
Third Reading: June 4, 2012