

ORDINANCE NO. 13385

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 18, GARBAGE AND REFUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Chapter 18, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Chapter 18 - GARBAGE AND REFUSE¹¹

Footnotes:

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Cross reference— Air pollution, Ch. 4; animals and fowl, Ch. 7; junk and secondhand dealers, § 11-216 et seq.; health and sanitation, Ch. 20; sewer service charges, § 31-31 et seq.; industrial waste, § 31-50 et seq.; disposal of excreta, § 31-241 et seq.; sewer agreements with Chattanooga Area Regional Council Members, § 31-286; waste containers at public swimming pools, § 33-40; receptacles for garbage and rubbish in trailer camps, § 34-34; wreckers and towing services, § 35-146 et seq.

ARTICLE I. - IN GENERAL

Sec. 18-1. - Purpose.

Articles I through VII of this chapter are determined and declared to be a sanitary measure for the protection and promotion of the health, safety and welfare of the people of the city.

(Code 1986, § 18-1)

Sec. 18-2. - Definitions.

As used in articles I through VII of this chapter, the following terms shall have the meaning indicated in this section:

Authorized residential container shall mean all residential (can type) containers, to be made of galvanized, plastic or similar material and approved plastic bags. Individual (can type) containers shall not be larger than twenty-five (25) inches in diameter and thirty (30) inches in height nor smaller than fourteen (14) inches in diameter and sixteen (16) inches in height

(commonly known as thirty (30) gallon and twenty (20) gallon containers) and shall not weigh more than fifty (50) pounds; provided that, for routes selected by the Director, residents shall use ninety-six (96) gallon or sixty-four (64) gallon containers suitable for mechanical pick-up.

Condominium shall include any individually owned single units of a multiple structure or structures with common elements (including, but not limited to, the land, foundations, main, wells, roofs, halls, lobbies, stairways, entrances and exits, basements, yards and gardens).

State Law reference— T.C.A., § 66-27-102.

Daily average tonnage shall mean the total monthly tonnage deposited divided by the number of landfill operating days during the month. Mondays through Fridays shall be counted as one (1) day, Saturdays shall be counted as one-half (½) day, and Sundays, holidays and other days that the landfill is closed shall be counted as zero (0) days.

Demolition - construction waste shall mean wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes shall include bricks, roofing materials, masonry materials, soil, rock and lumber, road spoils, paving material, dry wall, plaster, and demolition concrete where all protruding rebar ends have been cut for which a building or demolition permit has been properly issued if so required by any applicable resolutions, ordinances, codes or laws; and said construction or demolition site is located within the boundaries of Hamilton County, Tennessee. Such wastes shall exclude carpeting, loose paper or cardboard, paint containers, white goods, metals, vinyl or asbestos containing floor covering. Any loads deemed to contain any of the excluded items shall not be deemed to be demolition or construction waste.

Director shall mean the Director of City Wide Services, the employee in charge of the city yards, department of public works, of the city.

Garbage shall include every accumulation of both animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruits or vegetables, tin cans or other containers originally used for foodstuffs.

Hazardous refuse means any chemical, compound, 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.

Industrial solid waste shall mean all such wastes peculiar to industrial, manufacturing or processing plants.

Mobile home park shall include where a majority of mobile homes are occupant-owned mobile homes (not rented mobile homes, travel campers, recreational vehicles or trailers).

Nonresidential service is hereby defined as service to all service areas in the city, (such service areas as defined by the Director) except those locations specified under "residential service." Non-residential service shall be divided into the following categories:

- (1) *Commercial*, which shall include restaurants, motels, hotels, 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) *Medical*, which shall include all hospitals, doctors' offices and clinics, animal hospitals and clinics, but shall not include public hospitals.
- (8) *Private educational facilities*, which shall include all nonpublic schools, colleges and universities.
- (9) *Apartment complexes*, which shall include all apartment complexes of eight (8) or more units.

Classification as a non-residential service location shall normally preclude classification as a residential service location.

Refuse shall mean and include all garbage and rubbish, as those terms are defined below, except that dead animals and fowls and body wastes are expressly excluded therefrom and shall not be stored therewith.

Residential service shall include single or multiple family dwelling units up to and including apartment complexes of seven (7) units or less, public housing developments, condominiums and mobile home parks unless rolloff/dumpster containers are available for exclusive collection as defined in Sec.18-47.

Rubbish includes all non-putrescible solid waste consisting of both combustible and non-combustible waste such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials. It shall not include bulky refuse meaning stoves, refrigerators, water tanks, washing machines, broken furniture or similar bulky materials having a weight greater than fifty (50) pounds and/or a volume greater than thirty (30) gallons.

Service Location shall mean a unit on a property or parcel which is eligible to receive curbside refuse collection services. Each service location must have a separate power meter.

Special container shall mean and include a ninety-six (96) gallon or other City-issued container compatible with a mechanical collection system. Special containers shall include both City garbage containers and City recycle containers.

(Code 1986, § 18-2; Ord. No. 10189, §§ 1, 2, 3-28-95; Ord. No. 10340, § 1, 11-28-95; Ord. No. 10421, §§ 1, 2, 5-28-96; Ord. No. 10450, § 1, 8-13-96; Ord. No. 12260, § 1, 6-16-09; Ord. No. 12687, §§ 1, 2, 2-5-13)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 18-3. - Jurisdiction of Director.

The removal and disposition of garbage and rubbish from premises in the city shall be under the jurisdiction of the Director.

(Code 1986, § 18-3; Ord. No. 12260, § 1, 6-16-09)

Sec. 18-4. - Rules and regulations to implement articles.

The Director, subject to the approval of the mayor, 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 insure compliance and enforcement.

(Code 1986, § 18-4; Ord. No. 9654, § 103, 1-6-92; Ord. No. 12260, § 1, 6-16-09)

Cross reference— Personnel rules and regulations, § 2-136 et seq.

Sec. 18-5. - Authority of Director.

The Director shall, with the approval of the mayor, establish rules and regulations governing the operation and maintenance of the refuse removal system and which may be necessary to carry out the intent and purposes of this chapter. Such rules and regulations shall become effective fourteen (14) days after being approved by the city council and any violation of such rules and regulations shall be punished as a violation of this chapter. Such rules and regulations shall be kept on file, open to the public, at the office of the Director.

(Code 1986, § 18-5; Ord. No. 9654, §§ 103, 134, 1-6-92; Ord. No. 12260, § 1, 6-16-09)

Sec. 18-6. - General rules and regulations.

(a) *Deposit in vacant lots, streets, streams and ponds.*

- (1) It shall be unlawful for any person to throw or deposit or to cause to be thrown or deposited, any rubbish or waste matter, except bricks, brick bats, cement, plaster, stones, gravel and cinders (and these only under permit from the city) in or upon any vacant lot or in any backyard, or on or upon any street or other public place in the city.
- (2) It shall be unlawful for any person to throw, discard, deposit, dispose of, or allow any trash, garbage, waste, scraps of food, vegetables, fruits, meat, industrial or processed waste or the like into, about, around or near any stream or body of water, regardless of size, within the confines of the city.
- (3) It shall be unlawful for any person to place any straw, dirt, chips, shells, swill, nails, iron, fruit peelings and rinds, garbage or refuse of any kind in any street or sidewalk in the city.
- (4) This section shall not be construed to prohibit people from feeding ducks, swans, fish and like aquatic creatures within reasonable bounds as the need may require.

(b) *Duty of owner, operator, etc., to maintain and load vehicle to prevent escape of contents.*

The owner, lessee or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, paper, trash, or any material which may, as a result of such vehicle's movement, be likely to blow, fall or be scattered onto the public thoroughfares of the city, shall maintain such vehicle in such 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 such thoroughfares.

- (c) *Ashes from manufacturing plants.* It shall be the duty of every person occupying, operating or controlling any building or portion thereof in the city used as a manufacturing plant in or about which combustibles are used or ashes produced, to keep in or about such building, in a fireproof container, all ashes and other waste arising from and produced therein, and to remove the same or cause it to be removed from said premises at his own expense.
- (d) *Burning in street or on city's dumping grounds, landfill area, etc.* It shall be unlawful for any person to burn or cause to be burned rubbish on any street in the city. It shall be unlawful for any person to set fire to, or burn any papers, trash or garbage deposited within the city limits upon the dumping grounds, landfill area, or other disposal site used by the city for the depositing or dumping of such trash or garbage collected by the city refuse removal system without the permission of the Director and express authority granted by local or state enactments regulating air pollution control.
- (e) *Method of disposal by city and its contractor.* The city or its contractor shall dispose of refuse only by the methods approved by the city council.
- (f) *Scattering paper on streets, etc.* It shall be unlawful for any person to scatter or cause to be scattered in or upon the streets or public places of the city, or in any office, store or other place of business, or in or upon any yard or porch of any residence within the corporate limits, any paper or scrap of paper of any character, and every person violating the provisions of this section shall be guilty of a misdemeanor. This, however, is not intended to prohibit the distribution of bills, announcements or other printed matter when delivered personally by hand and under the direction of parties residing or doing business within the city.
- (g) *Persons engaged in business of trimming, repairing, etc., of trees.*
 - (1) No person shall perform any service for profit wherein trees are cut, trimmed or altered, and wherein an accumulation of brush, wood, debris or other refuse is the result of such work or service without being equipped with a truck or other vehicle capable of removing said brush, wood, debris, or other refuse, as required, to a dumping area previously designated as such by the Director.
 - (2) Any person, association or corporation, except departments of municipal or governmental agencies, engaged in the business of removing trees, trimming trees, or repairing trees in any manner whatsoever, shall, before engaging in any of the aforementioned activities, maintain a current business license and a bond sufficient to cover any clean-up operations that may result from such work.
- (h) *Open burning of garbage prohibited.* It is hereby declared to be a misdemeanor for any person to start or maintain, or cause to be started or maintained, any open ground fire or any fire in an open can, barrel or other open container for the purpose of burning or consuming refuse or garbage, upon any property, either public or private, within the city, except as provided in the fire prevention code of the city, and permitted under local and state air pollution control regulations.

(Code 1986, § 18-6; Ord. No. 9654, § 134, 1-6-92; Ord. No. 12260, § 1, 6-16-09)

Case Law annotation— In an action for personal injuries, the fact that a property owner permitted grease to accumulate upon the sidewalk in violation of section 19-3 of the City's 1960 Code (now codified in this section as subparagraph (a)(3)) established his negligence. Rose v. Abeel Bros., 4 Tenn. App. 431 (Tenn. Ct. App. 1927).

Sec. 18-7. - Premises to be kept clean.

All persons within the city 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.

(Code 1986, § 18-7)

Sec. 18-8. - Penalty for violations.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

(Code 1986, § 18-8)

Sec. 18-9. - Interfering with inspections and abatement.

It shall be unlawful for any person to interfere with the Director or his designees, including refuse inspectors and assistants, in enforcement of this chapter.

(Ord. No. 12260, § 2, 6-16-09)

Secs. 18-10—18-30. - Reserved.

ARTICLE II. - CONTAINERS

Sec. 18-31. - Duty to have.

- a) It shall be the duty of every person or entity owning any residential premises where garbage is created or accumulated at all times to keep or cause to be kept City garbage containers, specified herein, for the deposit of garbage generated on the premises.
- b) The Director shall determine the appropriate type and/or quantity of City garbage containers for refuse collection from properties and require property owners to adhere to requirements to ensure safe and healthy disposal of refuse.
- c) It shall be the duty of every property owner on routes selected by the Director to maintain a City garbage container suitable for safe and sanitary collection of refuse.
- d) *Residential service locations.* The city shall provide one (1) City garbage container to each residential service location when that location is first added to the mechanical collection system. Restrictions are as follows:

- 1) No more than two (2) City garbage containers shall be serviced, kept, or maintained at any single-family or multiple-family dwelling service location.
 - 2) No more than seven (7) City garbage containers shall be serviced, kept, or maintained on any residential property or parcel.
- e) *Non-Residential service locations.* Properties eligible for non-residential service may lease one (1) City garbage container. Restrictions are as follows:
- 1) No more than one (1) City garbage container may be serviced, kept, or maintained on any non-residential property or parcel.
 - 2) Non-residential service locations, properties, or parcels maintaining a commercial container of any type or size shall not maintain a City garbage container and are not eligible for refuse collection services.
- f) Only refuse placed inside the issued City garbage containers shall be collected.
- g) It shall be the duty of the property owner where garbage is created or accumulated to replace at their expense any lost, stolen, vandalized, burned, or defaced City garbage containers. This includes any person who subsequently comes into possession of a location or property which had previously been issued a garbage container. City garbage containers damaged during the collection process will be repaired or replaced by the City.
- h) City garbage containers may be replaced or leased to eligible properties for a fee of seventy-five dollars (\$75.00). All City garbage containers are and remain the property of the City of Chattanooga even if a fee has been paid to the City for the use of such container.

(Code 1986, § 18-31; Ord. No. 10421, § 3, 5-28-96; Ord. No. 12260, § 3, 6-16-09; Ord. No. 12687, § 3, 2-5-13)

Sec. 18-32. - Residential; storage and requirements.

- (a) *Requirements.* Containers shall be as defined in section 18-2's definition of "authorized residential container." Lids or covers of such containers shall be kept tightly closed and watertight at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit of garbage for collection by the city shall be in such good condition that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly repaired or replaced.
- (b) *Fifty-five (55) gallon drums prohibited.* Fifty-five (55) gallon drums are specifically prohibited from use as containers for garbage or other refuse.
- (c) *Leaves, etc.* Small amounts of leaves, less than two (2) feet wide by two (2) feet long by one (1) foot tall including grass clippings and other rubbish, shall be stored in approved containers or plastic bags with the plastic bags placed inside an approved container on the curbside for collection.

- (d) *Removal after emptying.* After the garbage, brush, limbs or other refuse has been emptied out of a receptacle by the department of public works, streets and airports, the person owning such receptacle shall remove same from the street or sidewalk at once.
- (e) *Bag garbage.* To eliminate odor and insects, reduce spillage and litter, and discourage animals from getting into garbage containers, all residential waste should be placed in plastic or paper bags which must be tightly secured. Collection crews will not pick up spills resulting from loose garbage.

(Code 1986, § 18-32; Ord. No. 12260, § 4, 6-16-09)

Sec. 18-33. - Location.

- (a) It shall be incumbent upon tenants, lessees, occupants or owners of premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting garbage. A container for refuse and garbage which is to be collected shall be placed at a convenient and accessible point in the yard within five (5) feet of a driveway accessible to a collection vehicle or within five (5) feet of a street in such a position as not to intrude upon the traveled portion of the street or alley. Containers shall be placed where collectors may pick up and empty same without attack from animals in the possession of the occupant. The Director may by regulations provide further for the location of containers. (For example, the Director may provide for special locations for those persons who are aged or handicapped in such a manner as would otherwise create an unusual hardship.) City garbage collectors shall not enter houses, garages or stores for the collection of garbage or rubbish. Garbage and 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 ten (10) feet of a container shall be *prima facie* presumed to be garbage or refuse. This section is not to be construed as requiring all users to place containers in a location for "curbside pick-up." Further, this section does not require those persons who own home compactor units to place the bags in which the compacted garbage has been deposited inside the garbage container so long as the aforementioned bags are constructed in such a sturdy fashion as to prevent its being ripped open by animals and its contents scattered. All material shall be placed for pick-up on the day scheduled for pick-up in the particular area. No material shall be placed for pick-up before the day scheduled.
- (b) Special containers for the mechanical pick-up system shall be placed in a location suitable for mechanical pick-up. Generally, this shall be within two (2) feet of the curb or edge of pavement, at least three (3) feet from obstructions such as mail boxes, fences, utility poles, and other garbage containers, and at least twenty (20) feet from any vehicle parked along the street. The Director or his designee may designate specific locations for such containers when reasonably necessary to facilitate mechanical pick-up.

(Code 1986, § 18-33; Ord. No. 10421, § 4, 5-28-96; Ord. No. 12260, §§ 1, 5, 6-16-09)

Sec. 18-34. - Disturbing.

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 anti-litter cans for the deposit of refuse commonly recognized as litter.

(Code 1986, § 18-34)

Secs. 18-35—18-45. - Reserved.

ARTICLE III. - MUNICIPAL COLLECTION AND DISPOSAL

Sec. 18-46. - Authorized residential refuse collection.

This Article sets forth the conditions for lawful disposal of refuse.

- (a) Refuse is waste generated in the normal occupation and use of a residential property. Residential refuse is defined as excluding any waste generated by contractors in the construction, remodeling or repair of houses. Residential refuse is defined as excluding any waste generated by tree trimmers or other persons for hire who cut or trim trees with material larger than 18-inches in diameter or more than one tree on a single property or adjacent property within thirty (30) days.
- (b) Only non-hazardous garbage, refuse, and ashes generated on-site are eligible for residential collection. It is unlawful to place or attempt to dispose of hazardous waste through residential collection. It is unlawful to place for residential collection any residential waste that was not generated on the premises.
- (c) Residential waste shall be set out for collection in special containers where mechanical collection equipment is utilized. Special containers shall not be packed so tightly as to interfere with emptying them utilizing the mechanical equipment. If the collection route is not mechanized, residential waste shall be set out for collection in authorized residential containers weighing less than fifty (50) pounds.
- (d) Residential bulky trash and residential yard trash shall only be disposed of as provided in Section 18-86.
- (e) It shall be unlawful to co-mingle residential waste with residential bulky trash or residential yard trash or to co-mingle residential bulky trash with residential yard trash except such small quantities as defined herein which may be placed for regular residential collection in a special container or in an authorized residential container. The placement in containers shall be limited to the lesser of than thirty (30) gallons in quantity or fifty (50) pounds in weight.
- (f) It is unlawful for any person to dispose of, setout for collection, or to maintain or place any garbage or refuse on streets, sidewalks, or private property except as authorized by this Article. Without limitation, any owner or resident who knowingly permits or suffers any violation of this Article to exist upon property

owned or occupied by them shall be guilty of a violation. Without limitation, any contractor or other person for hire who places any waste upon any property in violation of this Article shall be guilty of a violation.

(Code 1986, § 18-46; Ord. No. 11195, § 1, 10-23-01)

Sec. 18-47. - 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 garbage and rubbish in the city except those private collectors specifically authorized by a business license and required permits.

(Code 1986, § 18-47)

Sec. 18-48. - Frequency of collections.

- a) Residential garbage service shall be provided on a weekly basis. Curbside recycling service shall also be provided on a biweekly basis. Both residential garbage and recyclables must be placed at the curbside by 7:00 a.m. on the day of collection.
- b) The Director may increase the frequency of garbage service or recycling service at a service location in order to ensure safe and healthy disposal of refuse and recyclables.
- c) The City shall collect refuse from the Central Business District (“CBD”) or comparable areas as determined by the Director on a regular schedule as established by the Director or his/her designee. The CBD is generally defined as the core business area of downtown Chattanooga. Specific boundaries shall be established by the Director on an annual basis. All garbage set out for collection in the CBD must be in plastic bags placed in City-issued containers. CBD customers must provide space to place containers or take garbage and recyclables to containers in a location designated by the Director or his/her designee.

(Code 1986, § 18-48; Ord. No. 9319, § 2, 2-20-90; Ord. No. 9686, § 1, 3-17-92; Ord. No. 11894, § 1, 10-10-06; Ord. No. 12260, § 6, 6-16-09; Ord. No. 12687, § 4, 2-5-13)

Sec. 18-49. - Service fees for collection, removal, and disposal.

- (a) There shall be no charge or fee for residential service rendered by the city refuse removal system, except as provided in section 18-51.
- (b) There shall be no charge for non-residential pick-up within the city.
- (c) The city may establish sanitary landfills or other places of disposal as may be necessary, and no persons shall use or be permitted to use any sanitary landfill or any other place of disposal except with the approval of the Director and in accordance with the rules and regulations promulgated in this chapter.
- (d) Monday through Friday service for the collection of garbage and dead animals will be provided once a day to veterinary clinics for a flat fee of thirty-two dollars and fifty cents (\$32.50) per week. Any additional collection will be at a charge of fifteen dollars

(\$15.00) per call. Dead animals weighing more than thirty (30) pounds must be placed in a bag alone.

- (e) Alternatively, twice weekly service for the collection of garbage and dead animals will be provided to veterinary clinics for a flat fee of thirteen dollars (\$13.00) per week. Any additional collection will be at a charge of fifteen dollars (\$15.00) per call. Dead animals weighing more than thirty (30) pounds must be placed in a bag alone.

(Ord. No. 11175, § 29, 9-11-01; Ord. No. 11332, 10-15-02; Ord. No. 12260, § 1, 6-16-09)

Sec. 18-50. - Billing.

- (a) All applicable fees and charges shall be billed monthly by the city, and such account shall be due and payable before the tenth day of the month in which the bill is rendered. The account shall be payable to the city.
- (b) Failure to pay any service charge within ten (10) days after due date shall be grounds for terminating service by the city.

(Code 1986, § 18-50)

Sec. 18-51. - Special collection services.

The Director may provide for the collection and the removal of garbage and rubbish from any place or premises at times in addition to those when regular collection service is provided or in a manner different from the prescribed method of collection. If the Director establishes such special service, the method of special service and the fee therefor shall be submitted to the Department Head for approval. Any billing resulting therefrom shall be processed by the Director.

(Code 1986, § 18-51; Ord. No. 9654, § 133, 1-6-92; Ord. No. 12260, § 1, 6-16-09)

Sec. 18-52. - Recyclables.

- (a) Curbside recycle collection shall be collected only at service locations where a City garbage container is serviced, kept, and maintained.
- (b) Recyclables will be collected only on scheduled recycle collection service days.
- (c) Recyclables placed out for collection must be placed inside City-issued recycle containers secured with a lid.
- (d) Only City-issued recycle containers will be serviced on recycle collection routes.
- (e) The City will only collect eligible curbside recyclable materials. Recyclable materials shall be collected as described in this section:
 - 1. Eligible curbside recyclable materials include all clean aluminum cans, cardboard, paper products, plastics stamped one (1) through seven (7), tin cans, and food packaging.

2. It is unlawful to place contaminants that are not recyclable in a City recycle container or a privately owned receptacle marked 'Recycle.' Contaminates include but are not limited to: bathroom waste, glass bottles or containers, bulky items, children's toys, construction and demolition debris, household garbage, kitchen waste, liquid, yard trash, or other non-recyclable materials.
 3. Residents may be cited or recycling service revoked for storing or disposing of contaminants in a recycling container.
- (f) Municipal garbage collection service locations are eligible to receive up to two (2) recycle containers at no cost.
1. No service location may maintain more than two (2) City recycle containers.
 2. Property owners must notify the Department of Public Works if a City recycle container is transferred to another property within the City.
 3. All City recycle containers are and remain the property of the City of Chattanooga even if a fee has been paid to the City for such containers.
 4. Property owners are responsible to replace at their expense any lost, stolen, vandalized, burned, or defaced City recycle containers. This includes any person who subsequently comes into possession of a location or property which had been previously issued a recycle container. City recycle containers damaged in the collection process may be repaired or replaced by the City. The City is not liable for privately owned receptacles damaged during collection.

(Ord. No. 12687, § 5, 2-5-13; Ord. No. 12837, § 2, 7-08-14; Ord. No. 12932, § 1, 4-7-15)

Secs. 18-53—18-65. - Reserved.

ARTICLE IV. - PRIVATE COLLECTIONS, PERMITS, ETC.

Sec. 18-66. - Private collection permit.

- (a) *Application.* Any person desiring to secure a permit for the private collection of garbage, rubbish or industrial waste as a private collector shall submit an application therefor to the Director. The application shall contain the following information:
- (1) Private collector's name, house address, business address, and telephone numbers. This includes information as to persons doing business under fictitious names, members of partnerships, and offices of corporations or associations.
 - (2) A list of equipment intended to be used by the private collector within the city, including a full description thereof.
 - (3) The rates or charges to be imposed for private collection.
 - (4) The date upon which the applicant desires the permit to be issued.
 - (5) Proof of vehicular liability insurance issued by a company authorized to do business in the state in the minimum amounts of one hundred thousand (\$100,000.00) for death or injury to any one person in one accident, three hundred

thousand dollars (\$300,000.00) for death or injury to more than one (1) person in any one (1) accident and fifty thousand dollars (\$50,000.00) for property damage.

- (6) Such other and further information as the Director may require.
- (b) *Investigation and issuance.* The 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 garbage collection permit shall be effective for the fiscal year beginning on July first until the next ensuing thirtieth day of June, on and after which date it shall be null and void. The licensed private collector shall pay an annual fee of two hundred forty dollars (\$240.00), which fee shall be prorated if necessary, and paid in advance to the city. The fee for a special permit issued to a private collector whose sole collection is a location owned by the private collector shall be twenty-four dollars (\$24.00) per annum, prorated if necessary, and payable annually in advance to the city.
- (d) *Conditions of issuing.* The 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.*
- (1) No vested right or property interest is acquired by the issuance to a private collector of an annual permit or a permit issued to a licensed collector whose sole collection is a location owned by the private collector. 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:
- a. That any of the conditions thereof are being violated;
 - b. That the permit is being exercised in violation of this chapter or any ordinance or statute;
 - c. 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;
 - d. That the annual permit fee has not been paid;
 - e. That the application contains falsehoods;
 - f. 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;
 - g. That all refuse, garbage and trash shall be deposited in approved landfill sites.
- (2) Ten (10) days' written notice of suspension or revocation shall be given by the Director. Within such period of time the collector may ask for a hearing before the Director. If no request for a hearing is made, the suspension for the period

listed or the revocation shall be final. Hearings before the 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 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 finance officer, and such city council shall set a hearing thereon.

- (f) *Payment bond.* The city shall require of each private collector a bond to secure the payment of permit fees, inspection fees and sanitary landfill or dump fees. Such bond shall be in the amount determined by the Director, to be the average amount due from the private collector of such fees for a three (3) month period, and shall be based upon the Director's estimate of such fees from the location permits submitted by the private collector and approved by the Director. The Director is authorized to increase or decrease the bond from time to time in his discretion as the number of location permits increase or decrease by the private collectors.

(Code 1986, § 18-66; Ord. No. 9654, §§ 2, 8, 1-6-92; Ord. No. 12260, § 1, 6-16-09)

Cross reference— Businesses, trades and occupations generally, Ch. 11.

Sec. 18-67. - Rules and regulations for identification of collectors.

The 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 Director may require, which shall be open to inspection by the city.

(Code 1986, § 18-67; Ord. No. 12260, § 1, 6-16-09)

Cross reference— Personnel rules and regulations, § 2-136 et seq.

Sec. 18-68. - Location permits.

- (a) *Application.* Any private garbage collector who has secured a permit for the private collection of garbage, rubbish or industrial waste and who desires to secure a permit for the collection from any particular location or premises within the city shall submit an application for such collection to the Director for each location to be so collected. The application shall include the following information:
- (1) The private collector's name and permit number.
 - (2) The address of the location where the materials will be collected and the nature of the activity thereon.
 - (3) The written approval of the request for a location permit by the operator or owner of the activity on the premises at the location for which collection will be made.
 - (4) The character and description of the materials to be collected.
 - (5) The proposed date the private collection is to begin.

- (6) The number of collections anticipated per week or month.
- (7) Equipment to be used.
- (8) Such other further information as the Director may require.

At the time of making application for a private collector's permit, the applicant may apply for location permits and the private collection and location permits may be issued simultaneously.

- (b) *Investigation, notice of refusal.* The application shall be forwarded to the Director who shall cause an investigation to be made of the facts stated in the application and shall authorize the issuance of the location permit within ten (10) days of the filing thereof, provided he makes the findings required of this section. Whenever the Director refuses the location permit, he shall immediately notify the applicant in writing of this refusal.
- (c) *Renewals.* The location permit shall remain effective without express renewal until such time as the conditions under which the application was approved have changed to such an extent as to render the permit invalid with respect to the requirements of this section and any other applicable section. When such location permits are determined by the Director to be invalid the Director shall immediately notify the applicant in writing.

(Code 1986, § 18-68; Ord. No. 12260, § 1, 6-16-09)

Cross reference— Businesses, trades and occupations generally, Ch. 11.

Secs. 18-69—18-85. - Reserved.

ARTICLE V. - LEAVES, GRASS, RUBBISH, ETC.

Sec. 18-86. - Special services, rules and regulations.

- (a) *Residential bulky trash.* "Residential bulky trash" shall include household appliances, discarded furniture, or similar bulky materials having a weight greater than fifty (50) pounds and/or a volume greater than thirty (30) gallons. Residents who place such bulky trash at the curb for disposal must notify the City of Chattanooga to arrange for a scheduled pick up. No bulky trash may be lawfully set out for collection more than twenty-four (24) hours before such scheduled pick up subject to the following conditions:
 - (1) Such refuse shall be placed adjacent to and back of the curb, or adjacent to and back of the drainage ditch or catch basin, alley or street line if there is no curb, without blocking the roadway, any sidewalk, drainage ditch, or catch basin. Items must be placed at least three (3) feet from any other objects and as near as practicable to a public street for ease of collection.
 - (2) In order to qualify for residential collection, the location must satisfy the definition of "Residential Service" in Section 18-2 and must be occupied at the time of service.
 - (3) No garbage or yard trash items maybe co-mingled with bulky items scheduled for collection, which shall otherwise be disposed of in the manner provided in this Article.

- (4) No liquids, building materials, automotive parts, dirt, rock, brick, block, tires, lumber, glass, or any materials which may be hazardous to collection employees, collection equipment, or the public shall be placed out for collection.
 - (5) Bulky Trash collections will be limited to twelve (12) at one single property within any consecutive twelve (12) month period. The Director may develop additional conditions to include frequency of pickup to insure no entity or individual abuses the residential bulky trash service.
- (b) *Residential yard trash.* "Residential yard trash" shall include brush, bagged leaves, tree trimmings, branches and limbs, grass cuttings and garden trimmings, weeds, and roots from which all dirt has been removed. Residents who place such residential yard trash at the curb for disposal must notify the City of Chattanooga to arrange for a scheduled pick up. No residential yard trash may be lawfully set out for collection more than forty-eight (48) hours before such scheduled pick up. Residential yard trash scheduled for residential collection shall be collected as designated by the Director; subject to the following conditions:
- (1) In order to qualify for residential collection, the location must satisfy the definition of "Residential Service" in Section 18-2.
 - (2) No garbage, refuse, bulky trash or demolition materials may be co-mingled or stacked upon leaves, brush or branches to be collected, which shall otherwise be disposed of in the manner provided in this Article.
 - (3) All authorized brush, leaves, or branches shall be placed as near as practicable to a public street in front of the residence without blocking the roadway, any sidewalk, drainage ditch, or catch basin in an appropriate authorized placed for ease of collection.
 - (4) Residential yard trash scheduled for collection must be assembled at only one (1) location adjacent to or on the property in which the residential yard trash originated.
 - (5) No item of residential yard trash placed for city collection shall be larger than eight (8) feet in length or eighteen (18) inches in diameter. Owners or residents shall at their own expense dispose of brush in excess of these dimensions.
 - (6) Licensed contractors who shall cut trees larger than eighteen (18) inches in diameter for hire shall remove the resulting debris from the premises and provide for lawful disposal of the debris within twenty-four (24) hours. It shall be unlawful for any such person to place such debris for residential collection.
 - (7) Yard Trash collections will be limited to twelve (12) at one single property within any consecutive twelve (12) month period. The Director may develop additional conditions to include frequency of pickup to insure no entity or individual abuses the residential yard trash service as well.
- (c) *Building materials.* "Building materials" such as scrap lumber, plaster, roofing, concrete, brickbats, and sanding dust resulting from construction, repair, remodeling or demolition of any building or appurtenances or private property will not be removed by the department of public works and the owner must cause such materials and waste to be

privately removed; further, trees, brush and other debris cleared as a result of or during construction work on property within the city shall be removed by the contractor and/or owner; the department of public works will not remove such materials and debris.

- (d) *Industrial and hazardous waste.* "Industrial and hazardous waste" shall be disposed of by the industry, manufacturer or processing plant generating such waste under such methods and conditions as shall be approved by the Director. Such industries may apply for a special permit as a private collector or may dispose of industrial waste by other private collectors. Garbage and rubbish not consisting of industrial waste and hazardous refuse may be collected by the city and charges made therefor; provided, however, that, if the person in disposing of his industrial and hazardous waste also desires to dispose of his garbage and rubbish generated on his premises, the city shall allow him to do so as a private collector for his own premises or through other private collectors if he desires.
- (e) *Pathogenic and radioactive waste.* All pathogenic and radioactive waste shall be disposed of by the institution generating such waste under such conditions as shall be approved by the Director. If the Director approves the treatment of such waste so that it may be disposed of by collection by the city, or if the institution is eligible due to classification by volume, then such waste may be disposed of by the institution as a private collector or through other private collectors. Garbage and rubbish not consisting of pathogenic and radioactive waste may be collected by the city and charges made therefor; provided, however, that, if the person disposing of this pathogenic or radioactive waste also desires to dispose of his garbage and rubbish generated on the premises, the city shall allow him to do so by granting a special permit to the institution, if so classified by volume, for itself as a private collector or through use of another private collector. All pathogenic waste from medical clinics, clinics, blood banks and medical laboratories, shall be separate from normal waste, placed in durable disposable bags that can be tied and sealed when full. The bags shall be stored in metal containers with tight fitting lids while in the process of being filled. Containers shall be kept in places restricted from access by the public. Needles shall be separated from disposable syringes by breaking them off at the hub immediately after use. Fluids may be flushed down the toilet. These materials shall only be placed at the collection point on the day that they are to be collected. Storage, collection and disposal of pathogenic waste shall be in accordance with all applicable health regulations.
- (f) It shall be unlawful for any person to place or to maintain any waste described in this section on any portion of the right-of-way of any street or highway in any manner not in conformity with this section.
- (g) Any person who shall place or maintain any waste described in this section in any manner not in conformity with the conditions stated herein shall be deemed to have created a nuisance. Upon notification that a nuisance exists, the Department of Public Works shall take such action as reasonably necessary to abate the nuisance at the expense of any person who is responsible therefore. Such costs of abatement shall include but will not be limited to the costs of inspection, employee work time, equipment use and such other expenses as may be reasonably incurred. Such costs of abatement will be subject to collection as provided for in Sec. 18-169.

- (h) Any person who shall violate the provisions of this Article may be cited to City Court and subject to the maximum fines and civil penalties authorized by law. Each day of violation shall constitute a separate offense.

(Code 1986, § 18-86; Ord. No. 9224, § 1, 8-22-89; Ord. No. 11195, § 2, 10-23-01; Ord. No. 12260, §§ 1, 7, 6-16-09; Ord. No. 12492, 3-22-11)

Sec. 18-87. - Exceptions.

Nothing in articles I through VII of this chapter shall prevent:

- (1) Any refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in such a manner as not to create a nuisance and provided further he is in full compliance with articles I through VII of this chapter.
- (2) Persons from engaging in collecting and purchasing for resale paper, cardboard, rags, glass, and scrap metals, for reclamation purposes.

(Code 1986, § 18-87)

Secs. 18-88—18-100. - Reserved.

ARTICLE VI. - SANITARY LANDFILLS

Sec. 18-101. - Disposal sites; rules and regulations; fees.

It shall be unlawful for any person to dispose of refuse at any place other than a refuse disposal site designated by the Director. Refuse disposal sites shall be available for use subject to reasonable rules and regulations and disposal fees recommended by the Director and approved by the mayor, and all billing shall be processed in accordance with section 18-50.

(Code 1986, § 18-101; Ord. No. 9654, § 133, 1-6-92; Ord. No. 12260, § 1, 6-16-09; Ord. No. 12727, § 1, 6-4-13)

Sec. 18-102. - Ownership, etc., of sanitary landfills.

- (a) The city shall own, operate, and maintain sanitary landfills in such a manner as to satisfy all local, state, and federal requirements.
- (b) It shall be unlawful for any person to work in, assort or disturb in any manner, or to carry away any article or substance of any kind deposited in the City's sanitary landfill.

(Code 1986, § 18-102; Ord. No. 12727, § 1, 6-4-13)

Sec. 18-103. - Control of access.

Access to the Landfill will be denied by locking the entrance gate. The hours of operation will be determined by the Director. The Landfill will be closed on holidays as specified by the Director. The public shall use the stations provided at the landfill entrances.

(Code 1986, § 18-103; Ord. No. 12260, § 1, 6-16-09; Ord. No. 12727, § 1, 6-4-13)

Sec. 18-104. - Handling of special waste.

Dead animals, sewage solids or liquids, or other materials which are either hazardous or difficult to manage shall be disposed of in the landfills only when special provisions are made for such disposal and are approved by the State. Hazardous materials include, but are not limited to, materials such as sewage solids, radioactive waste, pathogenic waste, explosive materials, and toxic chemicals.

(Code 1986, § 18-104; Ord. No. 12727, § 1, 6-4-13)

Sec. 18-105. - Fees.

- (a) Residents of the City delivering eligible municipal solid waste, excluding construction and demolition waste, and bulky waste, originating from their primary residence in passenger automobiles, standard size pick-up trucks, and single-axle trailers shall be charged no fee for dumping at the sanitary landfill.
- (b) All non-residents, private collectors, municipalities, government agencies, contractors or others depositing waste shall be charged a market rate per ton as determined by the Director based on the customers estimated volume and composition of waste.
- (c) In addition to any and all other landfill fees provided herein regardless of waived tipping fees, there shall be imposed a surcharge of one dollar and fifty cents (\$1.50) per ton for each ton of municipal solid waste received at the Landfill.
- (d) Private non-profit corporations that are generating municipal solid waste through their thrift store operations may be allowed to dispose of thusly generated waste free of charge; provided the waste desired to be disposed of is delivered in a vehicle owned by the non-profit and not through a waste disposal service provider and provided that each entity has been individually approved by action of the City Council. Any waste generated through normal business operations of a non-profit outside the thrift store operations shall be subject to the tipping fees in effect at the time of disposal.
- (e) Non-residents delivering bagged refuse shall be charge at the rate of two dollars (\$2.00) per bag of waste. Bagged construction or demolition or bulky waste shall not be accepted under this provision and must be disposed of in a properly approved construction and/or demolition landfill.

(Code 1986, § 18-105; Ord. No. 9446, § 1, 9-18-90; Ord. No. 9569, § 1, 7-2-91; Ord. No. 12727, § 1, 6-4-13)

Sec. 18-106. - Wood recycling and compost facility.

- (a) Wood products and leaves may be disposed of at no charge to City residents if the debris was generated from residential property owned or leased by the City resident.
- (b) Non-city residents, contractors, persons-for-hire, or others with debris generated from a non-residential property may dispose of brush and leaves at a rate of twenty dollars

(\$20.00) per ton. The minimum charge for disposal of brush and leaves shall be twenty dollars (\$20.00).

- (c) Wood chips and leaf compost will be available during regular operating hours and subject to availability and reasonable operating restrictions that may be established by the Director.
- (d) City residents shall be entitled to wood chips at no charge so long as the wood chips are utilized at a property owned or leased by the resident.
- (e) A valid state identification indicating residency in the City of Chattanooga is required to receive eligible services or materials at no charge pursuant to this section.
- (f) The Director may authorize the sale of wood chips or leaves in bulk quantities of more than five (5) tons at market rates if available.
- (g) So long as there is a surplus of composting leaves and wood products, the Director may make them available to the public for pick up at no charge.
- (h) The Director is authorized to enter into written agreements with local governmental entities to allow those governmental entities to dispose of residential yard trash for a fee payable to the City. During the effective period of said agreements, the Director will make available to the residents of a local governmental entity with a written agreement with the City composting leaves and wood products for use on their private residential properties at no cost. Any resident of these governmental entities desiring such material(s) must present a Tennessee driver's license with an address within the corporate limits or county of a local governmental entity. Mulch provided pursuant to this section shall not be used for a commercial purpose.

(Ord. No. 12862, § 1, 10-07-14)

Secs. 18-107—18-120. - Reserved.

ARTICLE VII. - REFUSE TRANSFER STATION

Sec. 18-121—18-140. - Repealed.

(Ord. No. 12727, § 2, 6-4-13)

ARTICLE VIII. - ANTI-LITTER CODE^[2]

Footnotes:

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Cross reference— Motor vehicles and traffic, Ch. 24; parks and playgrounds, Ch. 26; streets and sidewalks, Ch. 32.

Sec. 18-141. - Short title.

This article may be known and may be cited as "The Anti-Litter Code" of the city.

(Code 1986, § 18-141)

Sec. 18-142. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Aircraft. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle. A litter storage and collection receptacle as required and authorized in the city.

Commercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing; or
- (2) Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incidental to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of this state or under this Code or any other ordinance of this city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

Litter. "Garbage," "refuse" and "rubbish," as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper. Any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post-office department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law; and, in addition thereto, such term shall mean and include any

periodical or current magazine regularly published with not less than four (4) issues each year and sold to the public.

Noncommercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper as set out in this section.

Park. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

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.

Public place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse. All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Code 1986, § 18-142)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 18-143. - Depositing litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, in authorized private receptacles for collection or in official city dumps.

(Code 1986, § 18-143)

Sec. 18-144. - Placement of litter in receptacles to be so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1986, § 18-144)

Sec. 18-145. - Sweeping into gutters prohibited; duty to clean sidewalk.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1986, § 18-145)

Sec. 18-146. - Merchants to keep sidewalk free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(Code 1986, § 18-146)

Sec. 18-147. - Throwing litter from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.

(Code 1986, § 18-147)

Sec. 18-148. - Vehicles, loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

(Code 1986, § 18-148)

Sec. 18-149. - Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Code 1986, § 18-149)

Cross reference— Parks and playgrounds, Ch. 26.

Sec. 18-150. - Litter in watercourses, lakes, fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city.

(Code 1986, § 18-150)

Sec. 18-151. - Throwing, distributing handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(Code 1986, § 18-151)

Sec. 18-152. - Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Code 1986, § 18-152)

Sec. 18-153. - Depositing handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Code 1986, § 18-153)

Sec. 18-154. - Distribution of handbills prohibited where property posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "NO TRESPASSING", "NO PEDDLERS OR AGENTS", "NO ADVERTISEMENT" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

(Code 1986, § 18-154)

Sec. 18-155. - Distribution of handbills at inhabited private premises.

- (a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
- (b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined in this article) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1986, § 18-155)

Sec. 18-156. - Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(Code 1986, § 18-156)

Cross reference— Aviation generally, Ch. 8.

Sec. 18-157. - Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

(Code 1986, § 18-157)

Sec. 18-158. - Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Code 1986, § 18-158)

Sec. 18-159. - Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1986, § 18-159)

Sec. 18-160. - Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

(Code 1986, § 18-160)

Sec. 18-161. - Littered and/or overgrown property declared nuisances.

The maintenance of any private property in a littered and/or overgrown condition by any person owning, occupying, or in control of such property is hereby declared to be a nuisance.

(Code 1986, § 18-161; Ord. No. 9369, § 1, 5-15-90)

Sec. 18-162. - Litter and overgrown conditions defined.

- (a) Any premises in the city which is permitted to remain in an unkept condition and to accumulate garbage, rubbish, refuse or other waste matter, specifically including hazardous materials, dead animals and/or noncompatible material as defined within this chapter or any combination thereof shall be considered to be in a "littered condition." A "littered condition" shall further include property which because of accumulated garbage, rubbish, refuse or other waste matter harbors mosquitoes, rats, vermin or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety or welfare of the citizens of the City of Chattanooga.
- (b) Whenever any premises in the city are permitted to remain in an unkept condition upon which any growth of grass, underbrush or weeds which exceeds the height of ten (10) inches in growth, or upon which trees, vines and/or ground covering is not maintained consistently with ordinary neighborhood standards such property shall be considered to be in an "overgrown condition." An "overgrown condition" shall further include any rank vegetable growth which harbors mosquitoes, rats or vermin or other harmful animals; emits unpleasant and obnoxious odors; and/or may be considered dangerous or detrimental to the health, safety or welfare of the citizens of the City of Chattanooga.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-163. - Penalties for littered and/or overgrown lots.

- (a) No owner, occupant, or agent of any lot or parcel of land in the city shall create, maintain, or permit to be maintained on such property any accumulation of garbage,

rubbish, refuse or other waste materials so as to constitute a littered condition or to create, maintain, or permit their property to be maintained in an overgrown condition which endangers or is detrimental to the health, safety, and welfare of the citizens of Chattanooga, Tennessee. In the event that an owner, occupant or agent of any lot or parcel in the city allows such a littered and/or overgrown condition to exist, such condition shall constitute a public nuisance and the owner, occupant and/or agent may be cited before the Chattanooga City Court.

- (b) The penalty for creating, maintaining or permitting such a nuisance condition to exist shall be a fine up to and including fifty dollars (\$50.00) and costs for each offense. Each day during which a littered and/or overgrown condition continues to exist following the initial citation shall be considered a separate offense.
- (c) In the event that any offender under this section refuses to sign the ordinance summons agreement to appear in Court, the Municipal Enforcement Officer in whose presence the violation is committed may have a summons issued by the Clerk of City Court or the Municipal Enforcement Officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make an arrest for failure to sign the citation in lieu of arrest, as provided in T.C.A. § 7-63-104.
- (d) Failure of an offender to appear for trial in the City Court after signing of the ordinance summons agreement shall cause the Court having jurisdiction thereof to issue a warrant against the offender, as provided for in T.C.A. § 7-63-105.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-164. - Posting of notice declaring nuisance.

Whenever any premises is maintained in such a manner as to constitute a nuisance and following one (1) citation to the owner, occupant and/or agent to City Court pursuant to Sec. 18-163, the Mayor of the City of Chattanooga, or his duly authorized representative, shall post a notice to remedy the condition immediately, or shall cause the same to be posted in a conspicuous place on the premises that is being maintained in a condition which constitutes a nuisance.

(Ord. No. 9369, § 2, 5-15-90; Ord. No. 10975, § 1, 2-29-00)

Sec. 18-165. - Notice to abate required; posting.

- (a) The Mayor's representative shall post a notice or cause the same to be posted in a conspicuous place on the premises that is maintained in a condition which constitutes a nuisance. Such notice shall not be less than eight and one-half (8 1/2) inches by eleven (11) inches in size. It shall call attention to the part of the premises on which the nuisance exists, and shall state that the condition constituting a nuisance shall be abated by the owner, occupant or person in control of such premises within ten (10) days, including weekends and holidays, from the date of such notice.
- (b) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam,

sewerage, or other materials, the ten (10) day period of this section shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

- (c) Such notice shall further provide that if the owner, occupant, or person in control of such premises fails or refuses to remedy the condition within ten (10) days including weekends and holidays after receiving the notice by complying with it, then the Mayor or his duly appointed representative may immediately cause such nuisance to be abated and the owner shall be assessed with further costs.
- (d) The Notice shall further state that any costs of abatement by the City shall be in conformity with reasonable standards of such abatement and shall be assessed against the owner of the property as a municipal lien in favor of the City of Chattanooga against the land on which the nuisance existed, which lien shall be superior to all liens except liens for state, county and municipal taxes and municipal special assessments, and which may be enforced by suit in any court of competent jurisdiction of Hamilton County against the owner of said property. Additionally, the notice shall state that all costs of abatement may at the option of the City of Chattanooga alternatively be placed upon the tax rolls of the City of Chattanooga as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected in accordance with T.C.A. § 6-54-113; except in cases where a parcel of property has an owner-occupied residence upon it. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. Costs of nuisance abatement for owner-occupied residence property shall be only obtained through the filing of municipal liens and by suit to enforce such liens and cannot be added to municipal tax rolls.
- (e) The notice shall also state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to the following elements:
 - (1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;
 - (2) The person, office, address, and telephone number and the department of the person giving notice;
 - (3) A cost estimate of remedying the noted condition which shall be in conformity with the standards of cost in the community; and
 - (4) A place wherein the notified party may return a copy of the notice indicating the desire for a hearing before the Public Officer for the Department of Neighborhood Services and Community Development.

(Ord. No. 9369, § 2, 5-15-90; Ord. No. 12289, § 1, 9-29-09)

Sec. 18-166. - Service of notice on owner or occupant.

A copy of the notice required by the preceding section shall be given to the owner of the premises by certified mail with return receipt requested to the last known address of the owner of record. Additionally, the notice may be served upon occupants of any property to be affected by

leaving it with an occupant of the premises, if any. In case the property is vacant or unimproved, and the owner, his agent, or an occupant cannot be found, then a copy of the notice may also be affixed in a conspicuous place on the premises.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-167. - Hearing on notice.

Any owner aggrieved by the determination that the premises is maintained as a nuisance, may, within ten (10) calendar days from the date of the service of such notice, contact the Mayor's office to establish a date and place for a hearing on the nuisance determination before the Board of Appeals for Variances and Special Permits. At the hearing, the City Attorney or his representative shall present the facts concerning the condition of the premises, and the owner thereof may present evidence and shall be entitled to be represented by counsel if he or she so desires. At such hearing the Board of Appeals for Variances and Special Permits shall either confirm, modify or set aside the determination that the property constitutes a nuisance. Any person aggrieved by an order or act of the Board of Appeals for Variances and Special Permits under the provisions of this subsection may seek judicial review in accordance with Tennessee law. The ten (10) calendar day time period for abatement of a nuisance condition set forth in Sec. 18-165 shall be stayed during the pendency of the hearing. Failure to make a request for a hearing within the ten (10) calendar days following receipt of the notice provided for in Sec. 18-165 shall constitute waiver of any right to a hearing before the Board of Appeals for Variances and Special Permits.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-168. - Abatement by City.

If, at the expiration of the time given an owner to abate a nuisance in the notice to abate, such owner has failed or refused to correct the condition complained of, such condition may be corrected and the nuisance abated at the expense of the owner under the direction of the Mayor or his duly authorized representative.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-169. - Collection of expense of abatement; lien.

When any nuisance has been abated as provided herein, and is not collected as a lien upon the tax rolls of the City as set forth at T.C.A. § 6-54-113, the Mayor or his representative shall certify the amount of the expense incurred in abating the same to the City Attorney who may bring suit by attachment or otherwise to collect the same, and the city shall have a lien on the property to secure the amount expended by it in abating such nuisance which shall be superior to all contractual liens. The cost of nuisance abatement of all properties other than owner-occupied residence property shall be placed upon the tax rolls of the City of Chattanooga and collected in the same manner as property taxes are collected in accordance with T.C.A. § 6-54-113.

(Ord. No. 9369, § 2, 5-15-90)

Sec. 18-170. - Penalty for violation.

Violations of this article shall be punishable by civil penalty of up to Five Hundred Dollars (\$500.00) for each violation and each day any violation of this article continues shall constitute a separate offense.

(Ord. No. 9706, § 1, 4-28-92)

Editor's note— Ord. No. 9706 originally numbered this as Sec. 18-177 but the editor, in its discretion, re-numbered according to previous Ord. No. 9369 which deleted several sections in this article in their entirety.

Secs. 18-171—18-180. - Reserved.

ARTICLE IX. - LITTER PATROLLER

Sec. 18-181. - Appointment; term.

The board of directors of Scenic Cities Beautiful Commission is authorized to appoint a litter patroller to serve in the various areas, neighborhoods, and blocks within the city. A litter patroller shall serve a one (1) year renewable term without compensation and shall be given appropriate identification; however, any such appointment may be canceled at any time by the party making the appointment for the convenience of the city.

(Code 1986, § 18-181)

Sec. 18-182. - Duties.

The litter patrollers shall keep a constant vigil in the locality where each such person works or lives for persons who create, deposit, accumulate or leave litter upon the public rights-of-way, including streets, roads, highways, alleys and sidewalks, or upon private property. It shall be the duty of a litter patroller to first warn any violators of the litter laws and that such litter is a blight against the area, neighborhood, or block, and is in violation of the litter laws. If such violator of the litter laws continues such conduct, or if a single incident is a gross violation of the litter laws, then the litter patroller shall forthwith notify the police with the request that appropriate action be taken. Every litter patroller will be furnished with the name and telephone number of the police official whose duty it will be to cause appropriate action to be taken.

(Code 1986, § 18-182)

Sec. 18-183. - Not to be deemed city employees.

A litter patroller shall not be deemed to be an employee of the city but a person appointed to perform an important community service without compensation.

(Code 1986, § 18-183)

Secs. 18-184—18-190. - Reserved.

ARTICLE X. - PUBLIC DUMPSTER SERVICE

Secs. 18-191—18-196. - Repealed.

(Ord. No. 11434, § 20, 7-15-03)

Editor's note— The repealed section dealt with public dumpster service.

(Ord. No. 9319, § 1, 2-20-90)

Secs. 18-197—18-210. - Repealed.

ARTICLE XI. - DONATION BINS

Sec. 18-211. - Definitions.

Donation bin or box means an unattended container or receptacle held out to the public as a place for people to donate household materials, clothes, shoes, books, and other similar property and to store them until taken away for donation or resale by the entity that owns, operates, or maintains the bin. Donation bins are also known as donation collection bins/boxes, charity bins/boxes, clothing bins/boxes, clothing donation containers, drop off donation center or any combination thereof.

Premises means a lot, plot or parcel of land including structures on the property.

Property owner means a person, association, corporation, partnership or other legal entity having a legal or equitable title or ownership interest in real property.

(Ord. No. 12899, § 1, 1-27-15)

Sec. 18-212. - Donation bins; permit required.

It is unlawful for any person to locate a donation bin on the exterior of property areas of any public or private property premises without the property owners' written consent and a donation bin permit issued pursuant to this Article.

(Ord. No. 12899, § 1, 1-27-15)

Sec. 18-213. - Application for donation bin permit.

Any person requesting a donation bin permit shall submit an application to the City Treasurer's Office setting forth the following information:

- (1) Name, addresses including email if applicable, telephone and fax numbers, contact person, of the organization who owns and services the donation bin;

- (2) The name of the owner of the real property where the donation bin will be located including the address on file for the property owner as submitted to the Hamilton County Tax Assessor's Office;
- (3) A statement that the donation bin permit holder consents to removal of the donation bin if it is determined by Code enforcement officials to be out of compliance with this Article;
- (4) A statement that the donation bin permit holder consents to removal of the donation bin by the property owner;
- (5) A site plan showing where the donation bin will be placed on the premises;
- (6) A statement or declaration of whether the donation bin is "for profit" or "not for profit";
- (7) If "for profit," must include proof of a Business License for the City of Chattanooga;
- (8) If "not for profit," must include proof of the organization's 501(c)(3) designation;
- (9) A donation bin permit shall be renewed annually;
- (10) The registration fee for a donation bin permit shall be two hundred fifty dollars (\$250.00).
- (11) Donation bins shall be labeled on the exterior to provide notice to citizens of the following:
 - (a) The name of the organization that owns, operates, and collects the donations in bold letters on face and sides of the donation bin;
 - (b) The names of recipients of any donations or funds raised from the sale of the donations;
 - (c) If For-Profit, the donation bin shall be labeled "For Profit" and "Not Tax Deductible";
 - (d) Lettering shall not be smaller than three (3) inches tall and must be in contrasting color with the background;
- (12) Donation bins must be placed on the premises in accordance with all other applicable codes (i.e. not interfere with line of sight or sight triangle, on site circulation, required setbacks, landscaping, parking, etc). Donations shall not be placed on the premises in a manner that prevents off-street parking, circulation or unloading/loading areas or required yard or landscaping areas;
- (13) Donation bins must be kept maintained and kept in good repair. The donation bin area shall be maintained in a safe, orderly condition. Donation bins shall have no rust, peeling paint or graffiti. The areas around a donation bin must be kept clean and free of garbage and debris on the premises where the donation bin is located on the premises. Property donated through a donation bin shall be placed in the donation bin. Goods or property shall be regularly removed to avoid overflow outside of a donation bin. All debris on the exterior of a donation bin shall be removed;

- (14) Donation bins must be secured to prevent removal of donated property. Donation bins shall have a locked door for accessibility and servicing. Donation bins shall be designed in such a way as to prevent child or adult access into the bin and to {when it is locked} avoid an attractive nuisance;
- (15) In the event a holder of donation bin permit fails to comply with a notice of violation or order of a Code Official and fails to timely appeal the notice of violation or order, the Code Official is authorized to impound and remove the donation bin that is subject to a notice of violation or order. Any appeal filed under this Article shall be heard by the Public Officer. Any final order by a Code Official or Public Officer may be appealed to a court of competent jurisdiction as allowed by law.

(Ord. No. 12899, § 1, 1-27-15)

Sec. 18-214. - Donation bins compliance procedures; duties of housing code officials.

General. The Code Official shall enforce the provisions of this Article.

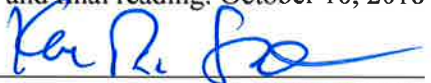
- (1) Rule-making authority. The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Article; to secure the intent thereof; and to designate requirements applicable because of local climate or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating engineering methods involving public safety.
- (2) Right of entry. The code official is authorized to enter property to inspect a donation bin that has been issued a donation bin permit pursuant to this Article at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.
- (3) It shall be a violation of this ordinance if any owner, occupant or other person in charge of a donation bin subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the donation bin where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- (4) Code officials shall inspect any donation bin about which complaints are filed by any person to the effect that a donation bin is, or may be, existing in violation of this article.
- (5) Code officials shall inspect any donation bin reported by the fire or police department, department of health or municipal judge as probably existing in violation of the provisions of this article.

- (6) The Code Official shall notify, in writing the holder of a donation bin permit and the property owner identified in the application for a donation bin.
- (7) The owner of the donation bin shall repair or remove a donation bin such in accordance with the terms of the notice of this article.
- (8) Failure to remove or repair a donation bin as required by this Article shall result in the removal of the donation bin.
- (9) The Code Official shall appear at hearings or in any court of competent jurisdiction to testify as to the condition of any donation bin.
- (10) The powers and duties conferred upon the Code Official by this article shall be in addition and supplemental to the powers conferred upon the Code Official or inspectors by any other ordinance or code provision of the City.

(Ord. No. 12899, § 1, 1-27-15)

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: October 16, 2018



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

VLM/MJF/mem/v6