

FIRST READING 6-9-09

2ND READING 6-16-09

INDEX NO. \_\_\_\_\_

ORDINANCE NO. 12260

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 18, RELATIVE TO GARBAGE AND  
REFUSE.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 18, be and is hereby amended deleting every reference in said chapter to "Superintendent" and substituting in lieu thereof "Director of City Wide Services" for the first reference and "Director" for every reference thereafter.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 18, Article I, be and is hereby amended by adding a new Section 18-9 as follows:

**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.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 18, Section 18-31, Article II, be and is hereby amended by deleting said section and substituting in lieu thereof the following:

**Sec. 18-31. Duty to have.**

- a) It shall be the duty of every person in possession, charge or control of any residential premises where garbage 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 containers, specified herein, for the deposit of garbage and rubbish generated on the premises.

- b) The Director may recommend or require the proper container(s) or number of containers to be used in those situations which require individual attention.
- c) It shall be the duty of every person on routes selected by the Director to be a part of the mechanical collection system to maintain a special container suitable for that purpose.
- d) *Residential service locations.* The city shall provide one (1) initial container to each residential location when that location is first added to the mechanical collection system, but it shall be the duty of the person in possession, charge, or control of any premises where garbage is created or accumulated to thereafter replace at their expense lost, stolen, vandalized or defaced containers. This includes any person who subsequently comes into possession of a residence which had previously been issued a container which has been lost, stolen, vandalized or defaced. Containers damaged in the collection process may be repaired or replaced by the city. Additional restrictions are as follows:
  - 1) If a second container is needed, one (1) may be leased by the property owner.
  - 2) No more than two (2) containers at any single-family dwelling location shall be serviced, kept, or maintained.
  - 3) No more than one (1) container per unit at any multiple-family dwelling location shall be serviced, kept, or maintained. The Director may determine a suitable number of garbage containers, which may be fewer than one (1) container for each unit.
  - 4) No more than seven (7) containers on any property where multiple-family dwellings are located shall be serviced, kept, or maintained.
- e) *Non-Residential service locations.* Locations eligible for non-residential service may lease one (1) container, but in no case shall a non-residential property with multiple businesses or units located on one property or parcel have more than two (2) containers serviced, kept, or maintained on that property or parcel. It shall be the duty of the person in possession charge or control of each premises where garbage is created or accumulated to thereafter replace at

their expense lost, stolen, vandalized or defaced containers. This includes any person who subsequently comes into possession of a location or property which had previously been issued a container which has been lost, stolen, vandalized or defaced. Containers damaged in the collection process may be repaired or replaced by the city.

- f) Only refuse placed inside the special container owned by the City of Chattanooga shall be picked up by the city.

SECTION 4. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 18, Article II, be and is hereby amended by deleting Section 18-32(c), substituting in lieu thereof (c) below and adding a new subsection (e) below:

**Section 18-32. Residential; storage and requirements.**

- (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.
- (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.

SECTION 5. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 18, Article II, be and is hereby amended by deleting Section 18-33(b) in its entirety and substituting in lieu thereof the following:

**Section 18-33. Location**

- (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.

SECTION 6. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 18, Article II, be and is hereby amended by deleting Section 18-48 in its entirety and substituting in lieu thereof the following:

**Section 18-48. Frequency of collections**

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 seven (7) a.m. on the day of collection.

SECTION 7. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 18, Article V, be and is hereby amended by deleting Section 18-86(b) in its entirety and substituting in lieu thereof the following:

**Section 18-86. Special services, rules and regulations.**

- (b) *Residential yard trash.* "Residential yard trash" shall include brush, leaves, tree trimmings, branches and limbs, grass cuttings and garden trimmings, weeds, and roots from which all dirt has been removed. Except for small quantities authorized for weekly residential collection pursuant to Section 18-46, brush and leaves shall be collected on a regular basis approximately once per month 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 are to be co-mingled with the leaves, brush or branches to be collected, which shall otherwise be disposed of in the manner provided in this Article.
  - (3) All authorized leaves, brush or branches shall be placed as near as practicable to the roadway in front of the residence without blocking the roadway, any

sidewalk, drainage ditch, or catch basin in appropriate authorized containers or otherwise placed for ease of collection.

- (4) No item of residential yard trash placed for city collection shall be larger than six (6) feet in length or six (6) inches in diameter. Owners or residents shall at their own expense dispose of brush in excess of these dimensions.
- (5) No pile of brush or branches placed for city collection shall exceed ninety-six (96) cubic feet (4 ft. in width, 4 ft. height and 6 ft. length), and must be assembled at only one location and must not have other garbage, refuse or rubbish intermixed with it or stacked upon it. Owners or residents shall at their own expense dispose of brush in excess of these dimensions.
- (6) Any person who shall cut or trim trees or bushes for hire shall remove the resulting debris from the premises and provide for lawful disposal of the debris within ninety-six (96) hours. It shall be unlawful for any such person to place such debris for residential collection.

SECTION 8. BE IT FURTHER ORDAINED, That this Ordinance shall become effective two (2) weeks from and after its adoption as provided by law.

PASSED on Second and Final Reading

\_\_\_\_\_ June 16 \_\_\_\_\_, 2009.

  
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CHAIRPERSON

APPROVED:  DISAPPROVED: \_\_\_\_\_

DATE:  6/19 \_\_\_\_\_, 2009

  
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MAYOR

PPB/add