

ORDINANCE NO. 982

“AN ORDINANCE TO AMEND TITLE 17, CHAPTER 1 OF THE ATHENS MUNICIPAL CODE ENTITLED ‘REFUSE AND TRASH DISPOSAL’ BY REVISING SECTIONS 17-104 AND 17-113.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE AS FOLLOWS:

SECTION 1: Title 17, Refuse and Trash Disposal, Chapter 1, of the City of Athens Municipal Code, is hereby amended by deleting Sections 17-104 and 17-113 in their entirety and inserting in lieu of new Sections 17-104 and 17-113 to read as follows:

17-104. Containers (Tote Carts). (1) Residential refuse containers (tote carts) shall be issued by the City of Athens for use in the City’s automated collection system at each residence where refuse and rubbish is generated and refuse and rubbish collection normally occurs. The City of Athens will not pick up garbage in privately owned containers or tote carts. Refuse containers shall likewise be issued by the City of Athens to certain business establishments. These containers are owned by and will be replaced by the City of Athens if they become damaged due to normal wear and tear. When the user associated with a collection site, whether a residence or business, relocates from the collection site, the refuse container shall be returned to Public Works as the container is not the property of the owner of a residence or business to which the container was assigned. Each refuse container shall be equipped with tight fitting lids or covers to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow events. The lids or covers shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Refuse containers shall be maintained in good order and repair. They shall be placed in the location shown by the City of Athens and failure to place it in the right place, obstructing the container by placing it too close to an object, not bagging garbage placed in the container, over loading the container, or placing improper materials in the container shall be reason for the container to be passed up for that week.

(3) Business and industrial establishments shall deposit, in city-owned refuse receptacles provided for multiple use, all refuse from their establishments in the receptacle assigned to them. They shall break down or nest all cardboard boxes prior to depositing them in the receptacles. Business and industrial establishments utilizing the city-owned receptacles are exempt from the requirements in § 17-104, paragraph one (1).

(4) Business and industrial establishments not served by a city-owned dumpster shall be provided with City owned tote cart sufficient in number of containers to fully contain all refuse accumulated between collection periods. They will be limited to 3 containers and any user which would generate more garbage than the 3 tote carts will hold will be required to use dumpster services.

(5) Refuse containers must be located outside of buildings. They shall be placed where they will not become a traffic or fire hazard and will be accessible to city sanitation employees.

(6) The user at each collection site shall place the refuse containers or other solid waste adjacent to the street; curb side, side walk and/or alley. City issued waste containers, including refuse containers (tote carts) shall not be placed adjacent to the street, curb side, side walk and/or alley for more than 24 hours prior to any regularly scheduled collection or for more than 24 hours after collection occurs, to inhibit and prevent theft and vandalism of the City-owned containers and to keep City streets, curb sides, sidewalks and/or alleys free from obstacles. If a City issued and owned container is vandalized or stolen, the assigned user at the collection site must file a Police Report within 48 hours of the theft or vandalism. Provided the theft or vandalism is reported within 48 hours thereof, and the theft or vandalism occurred during the time the container is permitted to be located at the street, curb side, sidewalk, and/or alley for collection, the container will be replaced by the City of Athens through its Public Works Department. It shall be the responsibility of the user at the collection site to provide the Public Works Department with a copy of the Police Report. In the event it is determined that the theft or vandalism occurred due to the user not removing the refuse container from the street, curb side, sidewalk, and/or alley within 24 hours of collection, the resident will be responsible for the costs to replace the container for failure to timely remove the container from the street, curb side, sidewalk and/or alley.

17-113. Refuse collection and/or disposal service charges.

(1) Institutional, professional, industrial, fraternal, commercial or business establishments operated within the City of Athens shall pay a minimum monthly fee as determined by city council and adopted through its annual budget, plus an additional amount for receipt of services as determined by the department of sanitation. However, businesses operating out of their residences or vehicles may be eligible for a credit of one hundred percent (100%) for the service as determined by the supervisor of the city's sanitation department.

(2) All residences within the City of Athens shall pay a minimum monthly fee for residential refuse service as determined by city council and adopted through its annual budget. Those residents needing more than one container as determined by the city will pay the minimum rate set by the city council plus additional charges based on the number of additional containers and shall not be eligible for tax relief services. However, those citizens who qualify for property tax relief and citizens who would otherwise qualify for property tax relief but do not own their residences, and who use only one city issued container will be eligible for a credit of one hundred percent (100%) for the service.

(3) The city council may establish service boundaries limiting the daily refuse pickup service to customers within the boundaries. Proper notice may be given to customers outside the boundaries by publishing a map in a local newspaper on three (3) successive days in sufficient notice that the service cannot be provided on a daily basis.

SECTION 2: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

SECTION 3: BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law.

PASSED ON FIRST READING: January 19, 2010

PASSED ON SECOND READING: _____

R. HAL BUTTRAM, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney