

**ORDINANCE NO. BB671**

**AN ORDINANCE AMENDING TITLE 17 OF THE DYERSBURG MUNICIPAL CODE, ENTITLED REFUSE AND TRASH DISPOSAL**

WHEREAS, a public hearing was held by the Board of Mayor and Aldermen of the City of Dyersburg, Tennessee, on April 17, 2017, in compliance with the Notice of Public Hearing published in accordance with law in the Dyersburg State Gazette, a newspaper of general circulation in Dyersburg, Dyer County, Tennessee; and

WHEREAS, no person has objected to the proposed amendment of Title 17 of the Dyersburg Municipal Code, entitled REFUSE AND TRASH DISPOSAL; and such amendment is deemed necessary for the welfare of the citizens and residents of the City of Dyersburg;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Dyersburg, Tennessee, that Title 17 of the Dyersburg Municipal Code, entitled REFUSE AND TRASH DISPOSAL shall be and is hereby amended by the deletion of Section 17-111. Violations.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Dyersburg, Tennessee, that Title 17 of the Dyersburg Municipal Code, entitled REFUSE AND TRASH DISPOSAL shall be and is hereby amended by deleting the entire Title 17 and inserting in its place the following:

**TITLE 17**

**REFUSE AND TRASH DISPOSAL<sup>1</sup>**

**SECTION**

- 17-101. Definitions.
- 17-102. Control of solid waste.
- 17-103. Approval of new landfills required.
- 17-104. Premises to be kept clean.
- 17-105. Maintenance of garbage containers.
- 17-106. Collection of household waste
- 17-107. Placement of solid waste at curbside restricted.
- 17-108. Collection of yard waste.

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<sup>1</sup> Municipal code reference  
Property Maintenance Regulations: Title 13

- 17-109. Collection of bulk rubbish.
- 17-110. Hazardous waste prohibited.
- 17-111. Violation and penalty.
- 17-112. Property owner registry.

17-101. **Definitions.** The following words and terms shall have the meanings indicated when used in this Chapter:

- (1) **“Bulk Rubbish”**: The term “bulk rubbish” shall mean items which by their size and shape cannot be placed into a standard sized residential garbage can, including, but not limited to, household furniture and appliances, such as stoves, refrigerators, water tanks, washing machines, dryers, children’s toys, mattresses, bedsprings, collapsed boxes, and air conditioners.
- (2) **“Construction Debris”**: The term “construction debris” shall mean materials from construction, demolition, repairs, remodeling, including, but not limited to, carpet, carpet padding, vinyl, hardwood and laminate flooring, bricks, block stone, stone, concrete, asphalt, lumber, roofing, plaster, drywall, and all other types of scrap building materials.
- (3) **“Hazardous Waste”**: The term “hazardous waste” shall include any substances that may constitute a hazard to health or may cause property damage by reason of being explosive, flammable, poisonous, corrosive, radioactive, infectious, or otherwise harmful to people or equipment. Household Hazardous Waste includes substances used in small quantities for household projects, such as paint, motor oil, and other liquids, etc. Hazardous Waste also includes, but is not limited to, televisions, monitors, computer equipment, microwave ovens, refrigeration appliances containing Freon, tires, batteries, and other automotive parts.
- (3) **“Household Waste”**: The term “household waste” shall mean any waste material, including garbage, trash, and refuse derived from households.
- (4) **“Yard Waste”**. The term “yard waste” shall mean grass clippings, leaves, twigs, limbs, brush, bushes, weeds, trees, and any other organic waste generated from the maintenance of residential yards.

(5) “Solid Waste”. The term “solid waste” shall mean all or any part of the materials described hereinabove as “bulk rubbish”, “construction debris”, “household waste”, or “yard waste”.

17-102. **Control of solid waste.** To the maximum extent permitted by law, the City of Dyersburg shall have exclusive jurisdiction to provide for the disposition of and to control the collection, transportation, and disposal of solid waste within the corporate limits of the City of Dyersburg. The collection of solid waste in the City shall be performed exclusively by the City’s Sanitation Department under the supervision of the Sanitation Department Head.

17-103. **Approval of new landfills required.** No person or firm shall construct a new landfill for solid waste disposal or solid waste processing within the corporate limits of the City of Dyersburg, or within one (1) mile of the corporate limits of the City of Dyersburg without first obtaining the express consent of the City’s Board of Mayor and Aldermen. (Tenn. Code Ann. §68-211-701)

17-104. **Premises to be kept clean.** All persons, firms and corporations located within the corporate limits of the City of Dyersburg shall keep their premises in a clean and sanitary condition, free from any accumulation of solid waste, and in compliance with the requirements of Title 13 of the City’s Property Maintenance Code. Between intervals of collection, all such persons, firms, or corporations shall store such solid waste on the owner’s property in accordance with the requirements of this Chapter.

17-105. **Maintenance of storage containers.** Containers for the storage of household waste shall be provided by the owner, tenant, lessee, or occupant of the premises. All such containers shall be maintained in good working order and repair and have a lid. Any container with jagged or sharp edges or any other defect that can injure the person collecting the contents of the garbage container shall be replaced by the owner of the premises upon notice by the Sanitation Department Head. All containers shall be kept in a clean and sanitary manner free from the accumulation of any substance that would attract or breed flies, mosquitoes or other insects or rodents.

17-106. **Collection of Household Waste.** Before being placed in a container, all Household Waste left for collection shall be free of liquids and placed into bags. All Household Waste shall be collected by City at least once every seven (7) days.

- 17-107. **Placement of solid waste at curbside restricted.** No person shall place any solid waste intended for collection by the City at the curbside adjacent to any public right-of-way more than 24 hours prior to the collection day (exception: yard waste as defined above).
- 17-108. **Collection of Yard Waste.** The City shall collect residential yard waste with its knuckleboom trucks weekly provided the following conditions are met by the occupant of the property from which the waste originated:
- (1) In order for the knuckleboom truck operator to properly remove yard waste, place Yard Waste at least five (5) feet away from any potential obstacles, such as mailboxes, fences, walks, water meters, telephone connection boxes, or parked vehicles. Yard Wastes should be placed close enough to the curb or street for the truck to be able to reach it. Additionally, no yard waste should be placed near low hanging limbs or power lines. Yard Waste will not be collected if it is inaccessible to the City's knuckleboom truck.
  - (2) It is permissible to stack piles of Yard Waste end to end or on top of one another, as long as the brush or tree limbs contained in the yard waste are not tangled. All brush or tree limbs should be cut to no more than five (5) feet in length and twelve (12) inches in diameter.
  - (3) Yard Waste must be placed at the edge of the street, curb, or alley located within the City's right-of-way no later than 7:00 A.M. on the day of regular trash pickup. No Yard Waste shall be placed in drainage ditches, streets, sidewalks, cul-de-sac islands, or vacant lots.
  - (4) Yard Waste placed in the City's right-of-way must be generated by the adjacent homeowner and under no circumstances shall Yard Waste generated by a commercial landscaper be picked up by the City.
  - (5) Leaves and grass clippings shall be bagged, except that from November 1<sup>st</sup> through January 31<sup>st</sup>, leaves can be raked to the curbside adjacent to the public right-of-way for collection by

the City.

- (6) Pending collection by City, Yard Waste shall be neatly stacked and piled on the property of the owner or resident.

17-109. **Collection of Bulk Rubbish.** The City shall collect Bulk Rubbish weekly at no additional charge on the normally scheduled trash pickup day provided the following conditions are met by the occupant of the property - from which the Bulk Rubbish originated:

- (1) Bulk Rubbish must be placed at the curbside in the City's right-of-way in front of the residence at which the Bulk Rubbish originated. The placement of the Bulk Rubbish should be the same as listed above for the collection of Yard Waste.
- (2) Bulk Rubbish shall be placed in the City's right-of-way no more than twenty-four (24) hours prior to the regular scheduled trash pickup day.
- (3) Construction Debris as defined by this Chapter is not considered to be Bulk Rubbish and will not, under any circumstances, be collected or disposed of by the City. It is the responsibility of the owner or resident of the property from which the Construction Debris originated to properly dispose of Construction Debris and it is a violation of this Chapter to place Construction Debris at any curbside adjacent to the public right-of-way.
- (4) Any house clean-outs resulting from a change of residency will not be picked up by the City.
- (5) Any loose or scattered items will not be picked up by the City.

17-110. **Hazardous Waste Prohibited.** No resident or homeowner shall cause any Hazardous Waste to be placed for collection by the City.

17-111. **Violation and Penalty.** Any individual found to be in violation of the provisions of this Chapter shall be provided written notice posted on the

property which shall allow the violator five (5) days to remedy the violations. Said notice shall be deemed to be sufficient, satisfactory and legal notice to both the property owner and occupant. Following the posting of notice on the property, should a violator not bring the property into compliance with the provisions of this Chapter, the City shall have the option, but not the obligation, to undertake any remedial actions and the cost of all such remedial actions shall be charged to the owner of the property. The minimum charge assessed by the City for remedial action shall be \$350.00. Any charges assessed by the City shall be a lien upon the property, collectible in the same manner as delinquent ad valorem property taxes.

Violations of any provision of this Chapter shall be prosecuted in the Municipal Court of the City of Dyersburg and any property owner or resident found guilty of such violation shall be subject to a fine of \$50.00 for each violation. Each day that the property owner or occupant is not in compliance with the requirements of this Chapter shall constitute a separate offense, subjecting the property owner or resident to an additional \$50.00 fine for each day of the violation.

Additionally, any violation of this Chapter shall also constitute a violation of the City's Property Maintenance Code Section 8-3004 Sanitation, for which the owner or occupant of the property shall be liable. Each day of the violation shall constitute a separate offense, subjecting the property owner or occupant to an additional \$50.00 fine for each day of the violation.

17-112 **Property owner registry.** The City has established a voluntary property owner registry which shall be maintained by the Code Official. The sole purpose of the registry is to provide personal notification, whether by telephone call, text message, or email communication, to the property owner with regard to any violations issued under this Chapter. Any property owner who wishes to receive a courtesy notification by the City shall provide their name, address(es) of property owned, contact information, and requested method of contact to the Code Official. In the event a property included in the registry is posted with a notice of violation, the Code Official shall make every effort to contact the owner through the provided information. This registry is voluntary and a courtesy provided by the City to property owners. Notwithstanding the foregoing, nothing in this section shall be construed as a requirement of a courtesy phone call to a

registered property owner to achieve proper service under the enforcement provisions of this Chapter.

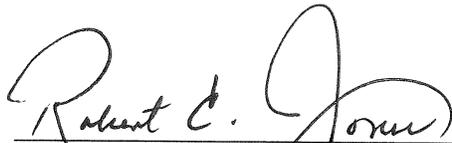
This ordinance shall take effect from and after its passage or otherwise, as provided by statute, the public welfare requiring it.



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John Holden Mayor

ATTEST:



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Robert C. Jones, City Recorder