

TITLE 8

HEALTH AND SANITATION

CHAPTER

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CHAPTER 1

UNIFORM REFUSE DISPOSAL

SECTION

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8-101. Definitions. (1) The term, "garbage", shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

(2) The term, "refuse", shall mean all solid wastes, except body wastes, and shall include garbage, ashes, and rubbish, (trash).

(3) The term, "rubbish", shall include waste paper, tin cans, broken ware, discarded shoes and clothing, bottles, grass cuttings or non-putrescible solid wastes. The term, "rubbish", shall not include debris from construction or repair work, trees, or tree trimmings, bricks or rocks or any other waste that is likely to cause damage to the equipment of the City,

injury to its employees, or is likely, because of the nature, size, or weight of the material, to cause undue hardship on the collector.

(4) Collector. The term "collector" shall mean any person, firm or corporation that collects, transports or disposes of any refuse within the corporate limits of the City of Paris.

(5) The term, "ashes", shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(6) The term, "person", shall include any natural person, association, partnership, firm, or corporation.

(7) The singular shall include the plural and the masculine shall include the feminine and the neuter.

8-102. Premises to be kept clean. All persons, firms and corporations within the corporate limits of the City of Paris are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, offal, filth and trash. Such persons, firms and corporations are hereby required to store such refuse in sanitary containers of the type described in Section 8-104 of this Code between intervals of collection or to dispose of such material in a manner prescribed by the City Manager, the City Health Officer, or the Supervisor of the City Sanitation Department so as not to cause a nuisance or become injurious to the public health and welfare.

8-103. Accumulation and storage of refuse. (1) Each owner, occupant, tenant, sub-tenant, lessee, or others using or occupying any building, house, structure or grounds within the corporate limits of the City of Paris, where refuse materials and substances as defined in this ordinance accumulate or are likely to accumulate, shall provide an adequate number of approved containers for the storage of such refuse except business and industrial establishments using City-owned receptacles as described in Section 8-104, paragraph three (3).

(2) Preparation of refuse. (a) All refuse shall be drained, free of liquids, before disposal.

(b) "Garbage" (including animal waste) shall be wrapped in paper or similar material.

(c) All cans, bottles, or other food containers shall be free of food particles and drained before disposal.

(d) "Rubbish" shall be (1) placed in approved containers or, (2) cut and baled, tied, bundled, stacked or packaged so as not to exceed thirty-six (36) inches in length and fifty (50) pounds in weight.

(e) "Leaves" shall be collected on a nonscheduled basis without additional charge to the regular refuse collection fees. Leaves must be placed in windrows adjacent to the curb or the street right of way. In no case may windrows of leaves be extended more than six (6) feet back from the curb line or street right of way.

(f) "Trees and Tree Trimmings" shall be collected on a non-scheduled basis without additional charge above and beyond regular refuse collection fees. Tree and tree trimmings must be placed in windrows adjacent to the curb line or street right of way. In no case may windrows of trees or tree trimmings extend more than six (6) feet back from the curb line or street right of way. Any trees cut or trimmed by a contractor, tree service, or other such commercial business will not be collected by the City of Paris. The property owner, contractor, tree service, or other such commercial business shall be responsible for the disposal of such refuse at their sole expense (Ord. #717, 09/07/89).

8-104. Containers. (1) Residential refuse containers shall be constructed of strong and durable material, rodent and insect proof and not readily corrodible. They shall have a capacity of not more than thirty-two (32) gallons and not less than twenty (20) gallons, and when filled shall weigh not more than one hundred (100) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying and shall be equipped with tight fitting lids or covers constructed of the same material of such design to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector. The collector is not required to replace lids on containers after refuse is emptied (Ord. #717, 09/07/89).

(2) Confiscation of unsatisfactory storage containers. Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to injure the persons collecting the content thereof shall be replaced. The City Sanitation Department will affix to any affected container a letter identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given by the City, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the City of Paris will not be held liable for such damage (Ord. #717, 09/07/89).

(3) City-owned receptacles. 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 in the receptacles. Business and industrial establishments utilizing the City-owned receptacles are exempt from the requirement in Section 8-104; paragraph one (1).

(4) Business and industrial establishments not served by a City-owned receptacle shall provide a sufficient number of containers to fully contain all refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized in Section 8-104; paragraph one (1) for residential users.

(5) Refuse placed at the street for curbside pickup by the City Sanitation Department shall be placed in a residential refuse container meeting the requirements of 8-104(1). Such residential refuse containers shall be placed at the street curbside pickup by the City Sanitation Department no earlier than 24 hours prior to the day such curbside pickup is scheduled. Such residential refuse containers shall be removed from the curbside and returned to a location immediately adjacent to the principle structure on the property within 24 hours after such curbside pickup occurs. (Ord. # 1169, 05/01/14)

(6) It shall be unlawful for any person to dispose, deposit, or otherwise leave any garbage, refuse, or rubbish on, in or around any city owned or privately owned refuse container as defined in (3) and (4) hereinabove, unless said person is the owner, manager, or employee of the business, residence, industry, or other entity who owns, leases, or has been authorized by the City of Paris to use such refuse container. It shall be unlawful for any person to inspect, sift, or rummage through, or in any way withdraw or remove any solid waste, garbage, refuse, rubbish, or any other item from any city owned or privately owned refuse container as defined by the provisions of this chapter (Ord. #726, 02/01/90, Ord. #817, 01/22/93).

8-105. Refuse not to be collected unless properly stored. In no case will it be the responsibility of the City Sanitation Department to shovel or pick up from the ground any accumulation of refuse, including leaves, lawn clippings, brush, packing materials, etc., except as prescribed in paragraph 2(d), Section 8-103.

8-106. Refuse from construction, demolition or repairs. In no case will it be the responsibility of the City Sanitation Department to collect refuse resulting from construction, demolition, or repairs of buildings, structures or appurtenances. The property owner/contractor, or the persons having same in charge, shall be responsible for the disposal of such refuse.

8-107. Unlawful to burn. It shall be unlawful for any person, firm or corporation to burn refuse on private or public property within the corporate limits of the City of Paris without first obtaining a permit from the City of Paris Fire Department.

8-108. Dumping in streams, sewers and drains prohibited. It shall be unlawful for any person, firm or corporation to dump refuse in any form into a stream, ditch, storm sewer, or other drains within the corporate limits of the City of Paris.

8-109. Disposal of refuse by the City. All refuse accumulated in the City of Paris shall be collected, conveyed and disposed of by the City of Paris Sanitation Department. No person shall convey over any of the streets or alleys of the City, or dispose of any refuse accumulated in the City of Paris, except as noted in Section 8-110. All refuse shall be disposed of in the City of Paris at the Paris-Henry County Solid Waste Landfill or other sites approved by the City (Ord. #717, 09/07/89).

8-110. Disposal of recyclable solid waste other than by the City. Commercial, industrial, and business establishments that produce or accumulate recyclable solid waste, or the owners of premises upon which such recyclable solid waste has accumulated may convey and dispose of such recyclable solid waste or authorize a private hauler to convey or dispose of such recyclable solid waste, provided, they agree to comply with the requirements of the city concerning collection, transportation, and the point of disposal, and apply for a permit granting them the right to collect, convey, and dispose of such recyclable solid waste. A private disposal permit may be issued by the city manager under the following terms and conditions: (Ord. #800, 06/04/92).

- A. Any such permit shall specifically define the recyclable material that can be collected, conveyed, and disposed of and such permit shall not be conveyed, assigned, or transferred (Ord. #800, 06/04/92).
- B. Such permit may be terminated by the city with thirty (30) days' notice to the permittee at the sole discretion of the city (Ord. #800, 06/04/92).
- C. If the permittee accepts or allows any municipal solid waste other than the designated recyclable solid waste provided for in the permit to be collected, transported, or disposed of, either directly or indirectly, then this permit shall be terminated immediately upon notice by the city (Ord. #800, 06/04/92).
- D. The permittee shall have no dumpster boxes or collection facilities on the exterior of the premises of the permittee or any customers of the permittee if the permittee is a private hauler, and no such recyclable solid waste shall be allowed to accumulate on or about the exterior premises of any such permittee or customers of such permittee if the permittee is a private hauler, except that exterior receptacles may be allowed under the provisions of Section F of this chapter if such exterior receptacles are located in the service area behind the permitted premises in an area not available to or visible by the general public; provided, however, that no exterior receptacles shall be allowed in any manner in the B-2 (Central Business) District. Provided, further, that exterior receptacles in areas available to the public may be allowed subject to the provision of Section F of this chapter if such receptacles are placed on such premises as a part of a public recycling program where members of the public may deposit recyclable materials collected by members of the general public (Ord. #800, 06/04/92).

- E. Each separate location where recyclables are collected, either from a commercial, industrial, or business establishment whether by the owner or lessee of the premises or by private hauler shall be required to have a permit for such location. The permittee shall be required to pay a \$150.00 annual fee for issuance of such permit, provided however, that only one (1) fee shall be required for each individual owner, lessee, or private hauler regardless of the number of locations where recyclables are collected (Ord. #800, 06/04/92).
- F. The City Manager shall be specifically authorized to place such other terms and conditions on the collection and disposal of recyclable solid waste as shall be deemed necessary by the City Sanitation Department or applicable state and federal laws (Ord. #800, 06/04/92).
- G. The permittee shall be required to designate the point of disposal of collected recyclable solid waste. If the point of disposal for any recyclable solid waste shall change subsequent to the issuance of the permit the permittee shall be required to notify the City Manager of any such change (Ord. #800, 06/04/92).
- H. The permittee shall be required to submit to the City Manager or his designee on a quarterly basis from the date of the issuance of the permit a report stating the recyclables collected by classification and for each classification, quantity information by either weight or volume, depending on the recyclable material collected. Failure to submit such reports shall be grounds for the revocation of such permit (Ord. #800, 06/04/92).

8-111. Disposal of refuse by residents of Paris and Henry County.

Residents of

the City of Paris and Henry County not being presently served by prior contract or agreement with the City of Paris and who elect to dispose of refuse at the Paris/Henry County owned landfill may be permitted to do so by paying the disposal service charges according to the following schedule:

- (1) A disposal fee of thirty-eight dollars and no cents (\$38.00) per ton or fraction thereof for the actual amount of solid waste to be disposed of in the Class I Landfill. A disposal fee of thirty three dollars and no cents (\$33.00) per ton or fraction thereof for the actual amount of solid waste disposed of for the Class III/IV Landfill. A minimum charge of five dollars (\$5.00) will apply for amounts up to 300 pounds for solid waste and debris waste (Ord. #717, 09/07/89, Ord. #734, 08/02/90, Ord. #764, 08/06/91, Ord. #805, 7/23/92, Ord. #830, 6/15/93, Ord. #866, 12/01/94; Ord. #990, 11/01/01; Ord. #1071, 6/7/07; Ord. #1090 6/26/08, Ord. 1105, 07/07/09).
- (2) All vehicles transporting items defined in 8-101(1), (2), (3) or any debris from construction or repair work, brush, trees, tree trimmings, bricks, rocks, or any other solid waste shall have the contents securely covered, tarped, chained, roped or otherwise secured or confined so that no littering, blowing, or discharge of the contents of said vehicle shall occur. All such vehicles shall also be required to have a functioning tailgate in place, if the transporting vehicle is designed for the use of a tailgate, provided, however, that any vehicle hauling brush, trees, or tree

trimmings shall be exempt from this requirement (Ord. #717, 9/07/89, Ord. #817, 1/22/93).

8-112. Collection Practices. Residential points of collection:

- (1) Refuse containers shall be placed for collection at ground level on the property where collection is made unless the subscriber has made arrangements to place the refuse container at another point and has so advised the City Sanitation Department of the location.
- (2) Persons served by an alley abutting the property of the person shall place refuse containers as near as possible to the alley line, but not more than forty (40) feet from the alley line on the day of collection service.
- (3) Persons with driveways constructed of concrete, asphalt, or similar bituminous materials and at least ten (10) feet in width and capable of accommodating a refuse packer with a minimum GVW of twenty thousand (20,000) pounds shall place refuse containers at a point not more than forty (40) feet from the end of the driveway next to the residence of structure.
- (4) Persons with unpaved or graveled driveways and not capable of accommodating a refuse vehicle as described in paragraph three (3) above, shall place refuse containers as near as possible to the street right-of-way or curb line on the day of collection.
- (5) The City of Paris will not be responsible for driveways, shrubbery, down spouts, lawns, etc., while in the process of entering the premises for the purpose of collection of refuse. The City shall enter the premises for the purpose of removing refuse unless the person being serviced objects to the collection equipment entering the premises and advises the City Sanitation Department in writing of the objection (Ord. #717, 09/07/89).
- (6) All residential garbage, refuse, or rubbish shall be stored in plastic bags and shall be placed in refuse containers as provided for in 8-104. Any garbage, refuse, or rubbish not meeting the requirements of this section shall not be collected by the City of Paris Sanitation Department. Provided, however, that rubbish may be disposed of in compliance with the provisions of 8-103 (2) (d) in addition to the other provisions of this section (Ord. #726, 02/01/90).

Commercial or business points of collection:

- (1) Placement of containers other than City-owned receptacles shall comply with Section 8-104, paragraph four (4) of the City Code.
- (2) Commercial or business firms disposing of refuse under the provisions of Section 8-110 may be permitted to place containers at places upon their premises by agreement of the contractual party or to suit the needs of the person responsible for the removal of refuse.

8-113. Frequency of collection. (1) Refuse collection shall be made in the residential districts of regular scheduled routes so as to provide one (1) collection per week for each residence subscriber (Ord. #717, 9/07/89).

- (2) Refuse collection shall be made in commercial or business areas to provide one (1) collection per week for each business subscriber. City-owned receptacles are removed and serviced as needed or as frequently as possible to prevent the occurrence of nuisances and public health problems (Ord. #717, 9/07/89).

8-114. Refuse collection and/or disposal service charges. (1) The minimum monthly charge for refuse collection and/or disposal charges shall be as follows:

(a) Each owner, occupant, tenant, or other persons occupying any building, house, structure, apartment, or dwelling unit of any type as a residence shall pay fifteen dollars (\$15.00) per month. Any resident not qualified under this section may request special handling under the provisions of Section 8-115 (3) of this ordinance (Ord. #543, 06/05/80, Ord. #591, 6/02/83, Ord. #709, 05/04/89, Ord. #717, 09/07/89, Ord. #764, 08/06/91, Ord. #830, 06/15/93, Ord. #981, 08/06/01; Ord. #1071, 06/07/07, Ord. #1090, 06/26/08).

(b) Commercial or business establishments served by Commercial Dumpster Refuse Collection shall pay a monthly collection and disposal charge determined by the following formula: the number of containers times the container fee of \$11.12 per month plus a collection charge of \$27.91 per visit per week, plus a solid waste disposal fee of \$29.00 per ton times 2 tons, times 75%, times total visits per week, rounded up or down to the nearest whole dollar. Commercial or business establishments who share Commercial Dumpster Refuse collection or whose commercial or business establishment is serviced by residential garbage pickup shall pay a monthly collection and disposal charge determined by the Director of Public Works, except that such collection and disposal service shall be no less than fourteen dollars (\$14.00) per month (Ord. #734, 08/02/90, Ord. #764, 08/06/91, Ord. #769, 10/03/91; Ord. #830, 06/15/93; Ord. #1071, 06/07/2007; Ord. #1090, 6/26/08, Ord. # 1105, 07/07/09).

(c) Any citizen who considers himself aggrieved by virtue of Section (b) of this ordinance may submit a written protest to the City Manager for subsequent review by the City Commission (Ord. #503, 05/20/76).

(2) The City Commission may establish service boundaries limiting the 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 as sufficient notice that the service cannot be provided (Ord. #717, 09/07/89).

8-115. Method of collecting service charges. (1) Commercial, industrial, and residential monthly service charges shall be billed at the same time and upon the same statement as for water service charges and sewer service charges, and shall be due and payable at the same time and under the same conditions and terms as of the water and sewer service charges. Service charges will be billed to the person, firm or corporation in whose name such utility meter is listed or recorded on the records of the Board of Public Utilities. Non-metered grounds or structures generating refuse of any type shall pay refuse service disposal charges at the same rate as other commercial or residential subscribers as provided in Section 8-114 (Ord. #717, 09/07/89).

(2) Contractors electing to dispose of their own refuse (including demolition waste) on a daily, weekly, or one time basis, may do so by paying the disposal service charges as provided for in the provisions of 8-111(1) (Ord. #717, 09/07/89, Ord. #764, 08/06/91, Ord. #805, 7/23/92, Ord. #830, 6/15/93).

(3) All vehicles transporting items defined in 8-101(1), (2), (3) or any debris from construction or repair work, brush, trees, tree trimmings, bricks, rocks, or any other solid waste shall have the contents securely covered, tarped, chained, roped or otherwise secured or confined so that no littering, blowing, or discharge of the contents of said vehicle shall occur. All such vehicles shall also be required to have a functioning tailgate in place, if the transporting vehicle is designed for the use of a tailgate, provided, however, that any vehicle hauling brush, trees, or tree trimmings shall be exempt from this requirement (Ord. #717, 09/07/89, Ord. #817, 01/22/93).

(4) All commercial, industries, business establishments, contractors and residents requiring special handling or special rates due to unusual situations that prevent the charges from being placed on the utility statement will be billed and collected by the City Business Office on the first of the month (Ord. #717, 09/07/89).

8-116. Violations. (a) It shall be unlawful for any person to scrap, salvage, scavenge, or in any manner remove any commercial, industrial, or residential garbage, refuse, rubbish, waste, debris, or any other item of any type of description, deposited for disposal in the Paris-Henry County Solid Waste Landfill (Ord. #726, 02/10/90).

(b) It shall be unlawful to dispose of in the Paris-Henry County Sanitary Landfill any liquid or solid waste prohibited by the provisions of this chapter or by the Regulations Governing Solid Waste Processing and Disposal Facilities of the State of Tennessee, Division of Solid Waste Management, and any party who shall attempt to dispose of such liquid or solid waste in violation of such regulations shall be guilty of a misdemeanor (Ord. #796, 05/07/92).

(c) The City Manager shall designate a Sanitation Control Officer who shall be under the supervision of the City Manager. The Sanitation Control Officer shall be vested with the supervisory authority to enforce the provisions of 8-101 et. seq. and specifically 8-116(a) and 8-116(b) (Ord. #796, 05/07/92).

(d) The Sanitation Control Officer upon determination of the violation of the provisions of this chapter shall issue a citation to the party violating the provisions of this Chapter citing such party to a hearing in the City Court of the City of Paris (Ord. #796, 05/07/92).

(e) If the party cited for a violation by the Sanitation Control Officer shall be found guilty of such violation, such party shall be punished by a fine of not less than nor more than \$50.00 which fine shall not be suspended. Every individual violation and each occasion shall constitute a separate misdemeanor (Ord. #796, 05/07/92).

(f) The Sanitation Control Officer, in addition to the penalty provisions of this chapter shall have the authority, with the approval of the City Manager, to prohibit any such party found to be in violation of the provisions of this chapter, from disposing of any solid waste in the Paris-Henry County Sanitary Landfill for such period of time, either temporarily or permanently, as the City Manager shall direct (Ord. #796, 05/07/92).

Any party aggrieved by the decision of the City Manager and the Sanitation Control Officer may appeal such decision to the Board of Commissioners of the City of Paris at their next regularly scheduled meeting; provided, however, that any landfill disposal suspension shall remain in effect until such hearing by the Board of Commissioners of the City of Paris (Ord. #796, 05/07/92).

8-117. Conflicting Ordinances. The provisions of this ordinance are hereby declared to be joint and severable and should any section or portions of sections be declared unconstitutional or unlawful, the remaining section or portions shall remain in full force and effect. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.