

ORDINANCE NO. O-19-09-01-40
AN ORDINANCE ESTABLISHING REGULATIONS
FOR GARBAGE AND RECYCLING DISPOSAL SERVICES AND FEES
WITHIN THE CITY OF OAK HILL

WHEREAS, the City of Oak Hill's Board of Commissioners have determined that changes to the City's garbage/recycling services are needed to achieve the desired objectives of the City of Oak Hill; and

WHEREAS, the Board of Commissioners believes that it is in the best interest of the citizens of Oak Hill to have regulations for the pickup and disposal of garbage and recycling materials including fee requirements to manage the cost of providing these services; and

WHEREAS, the Board of Commissioners have determined that offering garbage and recycling services on a fee basis is the most cost effective way to provide these services to the citizens of Oak Hill.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF OAK HILL, TENNESSEE, AS FOLLOWS:

Section 1. That the following regulations for the City of Oak Hill garbage and recycling disposal services are adopted.

Section 2.

Section 17-109 (a). Add AUTHORITY OF CITY TO COLLECT OR CONTRACT FOR COLLECTION.

- a. The City of Oak Hill may at any time, through a resolution adopted by the board of commissioners, declare the privilege of collecting, handling, disposing, and removing of refuse, garbage, rubbish, and litter within said city to be the exclusive right and privilege of the City of Oak Hill, in which event the board of commissioners, through the city manager, shall be empowered to secure suitable trucks and other equipment for the collection and removal of garbage, refuse, etc., for the city, or shall after taking bids have the right to enter into contracts with private persons to collect such garbage, refuse, etc., within the city.

- b. If a contract is entered into with one (1) or more suitable entities/persons for the collection, removal, and disposal of garbage and recycling, the city shall require such contractor to give a good and sufficient bond in such form and amount as the board of commissioners shall designate, conditioned for the faithful performance of such contract.

Section 17-109 (b). Add Requirements for garbage and recycling pick up service.

- a. No person shall permit rubbish, trash, garbage or other debris to remain on their property when, by so doing, same becomes a nuisance or hazard to other citizens of the City of their property or their life.
- b. No person shall deposit any garbage or other debris on the property of others.
- c. Garbage shall be collected once a week according to a collection schedule established by the contractor, which schedule shall provide for routine pick up as well as holiday schedules.
- d. Preparation of Garbage:
 - All garbage shall be placed in black or white garbage bags.
 - All garbage shall be thoroughly drained of all liquids.
 - All sharp objects shall be blunted.
 - All garbage bags shall be available for pickup no later than 5 am.
- e. Preparation of Recycling Materials:
 - All recycling materials except cardboard shall be placed in blue or clear bags.
 - Recycled items include: newsprint, cardboard, tin cans, aluminum cans, steel cans, plastic containers number 1 – 5 and 7.
 - All recycling shall be available for pickup no later than 5 am.
- f. Back Door Service: All single-family residential properties will have their respective garbage and recycling picked up at their back door.
- g. Second Day Pick Up Fee: Any household that desires to have their garbage and/or recycling picked up a second time each week may sign up for this service through the contractor.
- h. Once a week pick up service for garbage is limited to six (6) 30-gallon bags.

- i. Soft and Hard Yard Waste Excluded: No residential waste hauler duly licensed by the city hereunder shall be required to collect and dispose of hard yard waste (tree and shrub branches and trimmings) or soft yard waste (grass clippings, leaves, prunings of small diameter, green stemmed shrubs, and plant stalks).
- j. Hazardous Waste: The applicable state regulations shall govern the removal and disposal of all hazardous waste.
- k. Construction Debris: The removal of construction debris shall be the responsibility of the owner of the premises and the person or building contractor performing the construction work.
- l. White Goods (Appliances) will be picked up on a case by case basis for a fee of fifty dollars per item (\$50.00). The resident is responsible to pay this fee to the Contractor prior to collection.
- m. Furniture and mattresses will be picked up on a case by case basis for a fee of twenty-five dollars (\$25.00) per item. The resident is responsible to pay this fee to the Contractor prior to collection.

Section 17-109 (c). Add. Billing rates, penalties and discounts established.

- n. Rates Established: Garbage/Recycling rates for a calendar month for garbage and recycling collection shall be \$25.00 per month due by the 1st day of the month for that month.+
- o. Assistance Program: Any household unable to pay the month fee may apply with the City for payment assistance.
- p. Penalty Established: A penalty of ten percent (10%) will be added to statements if not paid by the due date.
- q. Nonpayment of the bill may result in a lien being placed on the property.
- r. Payment Discount Established:
 - i. Annual Discount - A payment discount of ten percent (10%) will be applied to all customers that pay for their garbage/recycling service annually in advance of service. (Monthly fee \$25.00 X 12 months = \$300.00 annual fees * 10% payment discount = \$30.00 discount = \$270.00 total annual fee if paid in advance.

- ii. Quarterly Discount - A payment discount of five percent (5%) will be applied to all customers that pay for their garbage/recycling service quarterly in advance of service. (Monthly fee \$25.00 X 3 months = \$75.00 quarterly fees * 5% payment discount = \$3.75 discount = \$71.25 total quarterly fee if paid in advance.
- s. Electronic Payments: The City will offer online electronic payments as an option.

Section 17-109 (d). Add Violations and remedies.

- t. Violations
 - Improper Garbage Preparation
 - Improper Garbage Packaging
 - Interference with Garbage Collection
 - Accumulation of Garbage
 - Improper Disposal of Electronic or Hazardous Waste
- u. Remedies and Penalties:
 - a. Upon discovery of a violation outlined in this chapter, the city, by any duly authorized agent, shall serve or cause to be served a notice of violation upon the owner or occupant of any premises on which there is a violation and shall demand that the violation be remedied, including removal of any garbage collected, disposed of, or stored in violation of this section, within seventy-two (72) hours of the notice.
 - b. In the event any violation is not completely abated within seventy-two (72) hours, the city may proceed to abate the violation, including removal of the garbage. The owner shall be responsible for all costs of such abatement including all legal and administrative fees. The minimum charge for such abatement shall be one hundred dollars (\$100.00). Neither the city or any of its agents shall be liable

for any damage to property that results in the enforcement of this section.

- c. In addition to the above remedies, any person found to have committed a violation shall be fined fifty dollars (\$50.00). Each day a violation continues shall be considered a separate violation.
 - d. The remedies and penalties provide for in this section are in addition to and are not exclusive of any other remedies or penalties available under law or equity.
- v. Throwing and Dumping Waste Prohibited: No person shall throw, dump, or deposit any waste in any street, or on public property in the city. No person shall cast or leave exposed any waste in or about any private premises or on any lot, street, or about any storm sewer in the city.
- w. Burning and Burying of Certain Waste Prohibited: No person shall burn or bury any waste in the city except that leaves and trees, shrubs, and brush trimmings may be burned by residential owners or lessees thereof subject to the requirements of Metro Nashville/Davidson County.
- x. Delinquent Payments; Lien Provisions:
- a. Determination of Delinquency: The City may refuse to continue garbage/recycling collection service to any customer when the payment of the bill for such service is two (2) months delinquent. As provided under the laws of the State, the City may remove garbage or debris from the premises of any owner, occupant, or garbage collection customer within the City, even when the aforesaid is delinquent, and City may collect from such owner of the real estate from which the garbage and debris was removed the reasonable cost thereof.
 - b. Costs of a Lien: In the event charges for garbage/recycling collection and disposal service become delinquent and are not paid in accordance

with the provisions of this ordinance, including delinquent charges for garbage/recycling collection and disposal services to any premises served by the City shall constitute a lien upon the premises to which such garbage/recycling collection and disposal services were supplied.

- c. Notice of Lien: This cost shall be a lien upon the real estate affected if, within sixty (60) days after such expense is incurred, the City shall cause notice of lien to be filed in the Office of the Davidson County Recorder. In order to establish a lien upon the premises, as aforesaid, the City shall send to the owners of record, as referenced by the taxpayer's identification number, of the real estate served by the City garbage collection system; a) a copy of each delinquency notice sent to the persons delinquent in paying the charges or rates, or other notice sufficient to inform the owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent; and b) a notice that unpaid charges or rates may create a lien on the real estate served by the City garbage/recycling collection system.

- d. Statement of Lien Claim: After sending the required notices, as aforesaid, the City is here*by authorized and directed to cause sworn statements showing such delinquencies to be filed in the Office of the Davidson County Recorder establishing, as a matter of record as to such real estate, the delinquency of the payment for garbage/recycling collection and disposal services. Such statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this

amount, as well as for all charges for refuse collection and disposal service subsequent to the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges and for garbage collection and disposal service and penalties for late payment. The City shall cause a copy of the notice of the lien to be sent to the owners of record of the real estate, as referenced by the taxpayer's identification number.

- y. Release of Lien: Upon payment of the costs and expenses by the owner or person interested in such property, and upon payment of the recording fee paid to the Davidson County Recorder to record the notice of lien, the lien shall be released by the city, in writing, which release shall be forwarded to the owner against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien.

ORDINANCE NO. O-19-09-01-40

Passed First Reading: August 27, 2019

Passed Second Reading: September 24, 2019



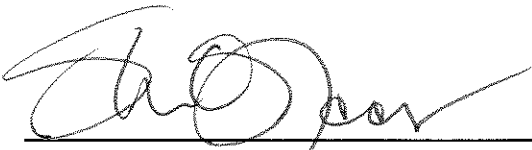
Mayor Heidi Campbell

ATTEST:



City Recorder Victoria Talbott

Approved as to form and legality:



City Attorney Sharon Jacobs