

ORDINANCE NO. BL2010-718

An ordinance to delete in its entirety Chapter 10.20 “Solid Waste Collection and Disposal” of the Metropolitan Code of Laws and replace it with a new Chapter 10.20 “Waste Management.”

WHEREAS, to protect the health, safety, and welfare of Davidson County residents and the environment; and,

WHEREAS, to enact many of the waste reduction recommendations of Mayor Dean’s Green Ribbon Committee on Environmental Sustainability; and,

WHEREAS, to enact programs to support and enable the Metropolitan Government to achieve the goals and recommendations of the “Davidson County Regional Solid Waste Plan”; and,

WHEREAS, it is fitting and proper to modify and update the Health and Safety Title of the Metropolitan Code of Laws to encourage and facilitate reuse and recycling, and provide for the effective and sustainable management of waste.

NOW, THEREFORE BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Delete Chapter 10.20 Solid Waste Collection and Disposal, Section 10.20.010 through Section 10.20.500, in its entirety and replace it with the following:

Chapter 10.20 WASTE MANAGEMENT

10.20.010 Definitions

In this Chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

1. “Battery Box” means any container which has been used to hold battery plates and battery acid for use in automotive equipment or in the operation of gasoline engines, radios and like devices or equipment.
2. “Battery Parts” means the lead plates or separation plates used in batteries.
3. “Bulky Waste” means large items of solid waste such as white goods, mattresses, tires, furniture, autos or large auto parts, and other oversize wastes whose large size precludes safe or convenient loading in approved waste containers or complicates handling by normal collection, processing, or disposal methods or vehicles. Bulky Waste also means a form of municipal waste materials from residential generators which are either too large or too heavy to be safely and conveniently loaded in the approved refuse disposal container or waste transportation vehicles, including but not limited to, white goods, mattresses, furniture and tires.
4. “Chipper Residue” means wood chips produced by mechanical grinding of limbs, brush, or other woody waste.

5. "Collector" means a Person engaged in the business of collecting Solid Waste for the purpose of delivery to a transfer station or final disposal point.
6. "Commercial-Industrial establishment" means any establishment not defined as residential in Title 17 of the Metropolitan Code of Laws.
7. "Composting" means the biological decomposition of organic constituents under controlled conditions.
8. "Compost Facility" means premises that accept organic constituents from off-site for the purpose of biological decomposition into a nuisance-free end product. A Compost Facility shall be considered to be a waste processing facility.
9. "Construction and Demolition Waste" means waste materials from the demolition, remodeling, repair and construction of residential, industrial, or commercial structures or from road building. Demolition and Construction Waste includes, without limitation, bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, and paving material.
10. "Construction and Demolition Waste Recycling" means the separation and reuse of Construction and Demolition Waste that otherwise would be disposed of as waste.
11. "Corrugated Cardboard" means packaging material that is formed by gluing one or more fluted sheets of paperboard to one or more flat sheets of linerboard.
12. "Department" means the Department of Public Works of the Metropolitan Government of Nashville and Davidson County, Tennessee.
13. "Director" means the Director of the Department.
14. "Downtown Core Area" means the area bounded as follows:

Beginning at the southeast corner of Broadway and First Avenue; thence north along the east side of First Avenue to the northeast corner of the Public Square; thence west along the north side of the Public Square to the northeast corner of the Public Square and Third Avenue; thence north along the east side of Third Avenue to the northeast corner of Third Avenue and Jo Johnston Avenue; thence west along the north side of Jo Johnston Avenue to the northwest corner of Jo Johnston Avenue and Fifth Avenue; thence south along the west side of Fifth Avenue to the northwest corner of Fifth Avenue and Cedar Street; thence west along the north side of Cedar Street to the northwest corner of Cedar Street and Eighth Avenue; thence south along the west side of Eighth Avenue to the northwest corner of Eighth Avenue and Church Street; thence west along the north side of Church Street to the northwest corner of Ninth Avenue; thence south along the west side of Ninth Avenue to the northwest corner of Broadway and Ninth Avenue; thence west along the north side of Broadway to the east end of the Broadway viaduct; thence south along the west side of Tenth Avenue to the south side of Lea Avenue; thence across Lea Avenue to the east side thereof; thence north along the east side of Tenth Avenue to the southeast corner of Broadway and Tenth Avenue; and thence east along the south side of Broadway back to the beginning point.
15. "Electronics Waste" means waste materials that include electronic components, including, without limitation, personal computers, central processing units, monitors, televisions, cathode ray tubes, printers and keyboards.
16. "Engage in the business of hauling waste" means to:
 - a. use a vehicle to collect waste from residential or non- residential premises, regardless of the number of times the vehicle is so used; or

- b. use a vehicle to haul waste within the limits of the Metropolitan Government of Nashville and Davison County, Tennessee more than 5 times during any calendar year.
- 17. "Food Waste" means organic waste derived from uneaten portions of meals and trimmings from food preparation and processing activities.
- 18. "Garbage" means and includes every accumulation of both animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, dealing in or storage in meats, fish, fowl, fruits or vegetables, tin cans or other containers originally used for food stuffs.
- 19. "Hazardous Waste" means any chemical, compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful.
- 20. "Hauler" means a Person engaged in the transportation of Solid Waste.
- 21. "Infectious Waste or Biohazard Waste" means waste in quantities and with characteristics as determined by the Director or the Tennessee Department of Health to be capable of causing an infectious disease in humans.
- 22. "Industrial Waste" means all such wastes peculiar to industrial, manufacturing or processing plants and may include hazardous waste.
- 23. "Liquid Waste" means any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test) as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods (EPA) Pub. No. SW-846 or similar publications.
- 24. "Medical Facility" means any person, office, facility, or institution that generates infectious waste in the course of conducting its primary business or whose act or process results in the creation of infectious waste.
- 25. "Multifamily Residence" means any dwelling, house, building, or other structure or group of structures containing more than two dwelling units, with each individual unit considered a separate residence.
- 26. "Mobile Waste Container" means a container used for storing or transporting waste materials to a disposal or transfer/processing point. "Mobile Waste Containers" include containers commonly known as dumpster and roll-off containers in excess of two cubic yards of capacity.
- 27. "One-Family or Two-Family Residence" means any dwelling, house, building or other structure wherein any individual or group of individuals live on a self-sustaining basis in one or two separate units.
- 28. "Operator" means a person who is responsible for the overall day to day operations and maintenance of a facility.
- 29. "Owner" means any Person holding a freehold interest in a premises or facility, or a Person lawfully in charge of the premises or facility, or a Person maintaining an ownership interest in a collection or hauling company.
- 30. "Person" means any and all persons, natural or artificial, including any individual, firm or association, business trust, partnership, corporation, joint venture, or limited liability company, municipality, and public, municipal, nonprofit or private corporation organized or existing under the laws of this state or any state, and any governmental agency or

- county of this state and any department, agency or instrumentality of any of the foregoing.
31. "Public Place" means and includes parks, water or open adjacent spaces thereto and public yards, grounds and areas and all open spaces between buildings and streets and in view of such streets.
 32. "Recovered Materials" means those materials which have been diverted or removed from the Solid Waste stream for sale, use, reuse, or recycling, regardless of whether the materials will be further separated or processed. Recovered Materials shall not include Yard Waste.
 33. "Recyclable Materials" are materials that may be reused, whether or not processing is required. "Recyclable Materials" include such materials as may be designated as such from time to time by the Director; provided, however, that such designation must be consistent with applicable state laws and regulations.
 34. "Recycle" means the separation and reuse of recovered materials which otherwise might be disposed of as waste.
 35. "Recycling Center" means any collection facility or system that accepts source-separated materials for resale to markets for conversion to raw materials or new products, including, without limitation, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastic, bimetal and steel containers, ferrous and nonferrous metals. Provided, however, that book or clothing exchanges and ancillary recycling operations are not Recycling Centers.
 36. "Residential Waste" means waste generated at a One-Family or Two-Family Residence.
 37. "Resource Recovery Facility" means any facility wherein takes place recovery of materials that might otherwise be disposed of as solid waste and that have not been separated at the point of generation.
 38. "Rubbish" means and includes all nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, glass, crockery, excelsior and similar materials. Rubbish does not include Bulky Waste.
 39. "Scavenging" means uncontrolled or unauthorized removal of waste from a facility or an approved container.
 40. "Segregated Wood Waste" means clean, uncontaminated wood waste acceptable to the Director.
 41. "Solid Waste" means Garbage, Rubbish, and other discarded materials including but not limited to solid and semisolid waste materials resulting from industrial, commercial, and domestic or residential activities, but does not include Hazardous Waste, recovered materials, overburden, rock, tailings, matte, slag, or other waste material resulting from mining, milling, or smelting.
 42. "Solid Waste Processing Facility" means any facility where solid wastes are salvaged or processed including:
 - a. A transfer station;
 - b. An incinerator that operates with or without energy recovery but excluding tire and user facilities; or
 - c. A material recovery facility that operates with or without composting.
 43. "Source Separated Materials" means recovered materials that have been diverted or removed from the solid waste stream at the point the recovered materials and the solid

waste are generated. Source Separated Materials may include mixtures of recovered materials

44. "Special Waste" means waste designated by the Director or the Tennessee Department of Environment and Conservation that has physical or chemical characteristics that make it necessary to handle the waste with special equipment or techniques.
45. "Transfer station" means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, processing, storage or disposal facility.
46. "Waste" means Garbage, Rubbish and other discarded materials, including liquid, gaseous, solid and semisolid materials resulting from industrial, commercial, agricultural and domestic or residential activities, but does not include recovered materials that are managed in such a manner so as to prevent a public nuisance. The provisions of this Chapter imposing duties with respect to the generation, storage, collection or transportation of Waste include Hazardous Waste, Infectious Waste, and Special Waste, unless the context requires otherwise.
47. "White Goods" means residential appliances, including but not limited to, water heaters, washers, dryers, stoves, and refrigerators.
48. "Wood Waste" means and includes chipper waste residue, brush, untreated wood, and segregated wood waste.
49. "Yard Waste" means and includes leaves, limbs, brush, grass clippings and other matter normally considered as waste or byproducts of yard, lawn, or horticultural maintenance activities.

Article I. General Regulations

10.20.020 Metropolitan Government authority.

The Metropolitan Government of Nashville and Davidson County shall have exclusive jurisdiction and exclusive right to control the collection and disposal of Waste within the boundaries of the Metropolitan Government.

10.20.030 Director authority.

The removal and disposition of Waste and Recovered Materials within the boundaries of the Metropolitan Government by any person, firm, corporation or governmental entity shall be under the exclusive jurisdiction and control of the Director.

10.20.040 Adoption of rules and regulations.

The Director, subject to the approval of the Metropolitan Mayor, may make such rules and regulations as are consistent with and necessary to the administration of the provisions of this Chapter.

10.20.050 Exemptions.

- A. Manufacturing firms holding permits issued by the State of Tennessee to dispose of or utilize their own Wastes on plant property on April 27, 1981, shall not be subject to the provisions of this Chapter.

- B. Nothing in this Chapter shall prevent any Person who generates or produces Solid Waste upon property owned, leased or rented by such Person from separating or causing to be separated Recyclable Materials there from while the Solid Waste is on such property and either to maintain title to such Recyclable Materials for his/her own use or dispose of such Recyclable Materials by sale or gift so long as such separation and disposition neither creates a public nuisance nor is otherwise injurious to the public health, welfare or safety.
- C. Nothing in this Chapter shall prevent a Person from purchasing or receiving by gift Recyclable Materials for processing or other use separated and disposed of in strict accordance with subsection B of this section.
- D. Solid Waste containing Recyclable Materials may be transported to private intermediate disposal points, as that term is defined by the Director, for removal of Recyclable Materials if facility capacity at the intermediate disposal point is one hundred tons per month or greater, and if the intermediate disposal point is located within the jurisdictional boundary of the Metropolitan Government.
- E. Nothing in this Chapter shall be construed to permit any Person to transport or convey any Solid Waste generated within the jurisdictional boundary of the Metropolitan Government to any disposal point other than points identified on a written register maintained by the Director.
- F. Nothing in this Chapter shall be construed to prevent the removal of Special Wastes; Hazardous Wastes; White Goods; Bulky Wastes; farming wastes or pesticide wastes, as those terms are defined in Rule 1200-1-7-.01 of the Tennessee Department of Environment and Conservation, from the Solid Waste processed for removal of Recyclable Materials at an intermediate disposal point. Once so removed, the disposal of such Wastes shall be the responsibility of the Owner and Operator of the intermediate disposal point.
- G. Exemptions from regulation under this Chapter shall be automatically granted for Persons collecting or processing five thousand pounds or less of Recyclable Materials in any calendar year, upon filing of an application for exemption with the Director.
- H. For the purpose of documenting the Metropolitan Government's progress in Solid Waste management, including source reduction, recycling and composting, all Owners or Operators of Solid Waste disposal points, processors, Haulers and Collectors, including exempted Persons, shall submit to the Director a report of the quantities of Solid Waste, residue, or Recyclable Materials collected, transported, processed or disposed of, including the destination of Recyclable Materials. The frequency and detail of such reports shall be at the discretion of the Director.

10.20.060 Sanitary landfill site--Extension of permit and use.

No public sanitary landfill site within the area of the Metropolitan Government that was used for such purposes as of October 21, 1988 may be used for such purpose beyond the time permitted by its permit authorizing such use by the Tennessee Department of Environment and Conservation, except by resolution adopted by the Metropolitan Council authorizing the extension of such permit and use. Such resolution of the Metropolitan Council shall not be effective unless adopted by twenty-one affirmative votes.

10.20.070 Information required on dump trucks--Violation and penalty.

- A. All dump trucks with a capacity of two tons or more and all vehicles used in collection or transporting Solid Waste for a fee shall be required to have painted or affixed to the rear of the vehicle the name of the owner of the vehicle and at least one letter and two numerals at least five inches in height identifying the vehicle. The requirement herein shall apply to all vehicles using the secondary road system. An Owner having more than one vehicle subject to this section shall have a different number for each.
- B. A driver operating a vehicle found in violation of this section shall be fined an amount not to exceed fifty dollars for each day the violation continues.

10.20.072 Dumpster collection and requirements

- A. No Person shall empty or remove any containers used for the accumulation or handling of Garbage or Rubbish between the hours of 11:00 PM and 7:00 AM when said containers are located within three hundred feet of any building or structure used for residential purposes. Provided, however, the prohibition of such activity shall not be applicable:
 - a. In the CC and CF zone districts of Metropolitan Government; or
 - b. When written permission is specifically provided by the Director.
- B. Any dumpster-type containers located within three hundred feet of any building or structure used for residential purposes must have a non-metal lid and must clearly display on an outside surface a label that includes the following information in letters at least one inch tall:
 - a. The owner of the container;
 - b. A telephone number for the owner of the container.

10.20.075 Information required on vehicles transporting used tires--Violation and penalty.

- A. All vehicles used in the collection or transporting of used tires shall be required to have painted or affixed to the side or rear of the vehicle the name and telephone number of the owner of the vehicle.
- B. A driver operating a vehicle found in violation of this section shall be fined an amount not to exceed fifty dollars for each day the violation continues.

10.20.080 Disposal and placement of Battery Boxes and Parts.

- A. It is unlawful within the area of the Metropolitan Government for any person engaged in the manufacture, storage, handling, salvaging or sale of Battery Boxes or Battery Parts to dispose of the same at any dump in the area of the Metropolitan Government, public or private, or to place the same in any location where they can be readily obtained by parties desiring them for fuel purposes or otherwise.
- B. This disposal or placement of Battery Boxes or Battery Parts at any dump within the area of the Metropolitan Government, public or private, or in any other public location or place of such character as to make such Battery Boxes or Battery Parts accessible to the public, is declared to be a public health nuisance.

10.20.085 Brush collection

- A. Brush collection shall be in accordance with regulations promulgated by the Director. No other types of Waste in addition to Yard Waste will be collected by the Metropolitan Government or its brush collection contractors; nor will any Solid Waste or non-uniform

- Yard Waste (including logs) be moved or handled to allow collection of other Yard Waste in the same stockpile.
- B. The brush collection service will only collect stockpiles of Yard Waste left at a location at the curb or the edge of the road or street or other locations approved by the Director, provided, however, collection by the brush collection service may be in alleys when such alleys are utilized for collection of Solid Waste.
 - C. No Yard Waste will be collected from private property or in an alley, except as otherwise provided in this section.
 - D. Persons operating tree surgery businesses or other commercial ventures which generate Yard Waste shall remove all debris generated by their procedures and dispose of that debris according to regulations promulgated by the Director.
 - E. Persons collecting, processing or disposing of Yard Waste in lieu of using the brush collection service contemplated in this section shall comply with regulations promulgated by the Director.
 - F. The Director shall develop rules and regulations as may be necessary to aid in the administration of this provision and shall have the authority to suspend any or all of the chipper service rules in an emergency.
 - G. No Yard Waste shall be placed for collection in any area where it can be washed into a storm sewer, catch basin or stream.
 - H. Loose Yard Waste may be placed in bags for storage and collection. Bags used for storage and collection must be bio-degradable and approved by the Director. Yard Waste placed in bags that are not bio-degradable shall not be collected by the brush collection service.
 - I. The Department may maintain and operate a composting and processing facility for the purpose of composting and processing Yard Waste. End products may be utilized by the Metropolitan Government, sold by competitive bid or made available to businesses located in Davidson County and to the general public.
 - J. The Director may cause the Department to produce and distribute educational materials to promote and encourage Recycling, "home" composting and other environmentally sound alternatives for the disposal of Yard Waste.

10.20.090 Enforcement / Right of Entry

- A. The Director shall designate Environmental Enforcement Officers to inspect, investigate and enforce the provisions of this Chapter. A violation of any provision of this Chapter shall be subject to a fine of not more than fifty dollars for each day the violation continues.
- B. The Director shall enforce the provisions of this chapter and he/she or his/her duly authorized Enforcement Officers may enter with the consent of the owner or occupant or with a valid search warrant, and upon presentation of proper identification, any building, structure or premises within the area or jurisdiction of the Metropolitan Government to perform any duty or responsibility imposed upon him/her by this chapter.

10.20.095 Yard Waste, Corrugated Cardboard and Electronic Waste banned from Solid Waste Collection

- A. Effective July 1, 2011, Yard Waste shall not be placed within Solid Waste containers nor collected and disposed with Solid Waste.
- B. Effective July 1, 2013, corrugated cardboard and corrugated cardboard boxes shall not be placed in Solid Waste containers nor collected and disposed with Solid Waste; provided, however, that the following types of corrugated cardboard are not banned :
 - 1. waxed cardboard;
 - 2. greasy, oily, painted or contaminated cardboard;
 - 3. cardboard adhered to foil, plastic or Styrofoam;
 - 4. single layer "boxboard" such as but not limited to cereal boxes, tissue boxes, or shoe boxes.
- C. Effective July 1, 2015, no Electronics Waste as defined in this Chapter shall be placed in Solid Waste containers nor collected and disposed with Solid Waste.

10.20.100 Private Collection Permits

- A. Any Person who for a fee collects Garbage, Rubbish, Chipper Residue, Wood Waste, Yard Waste, or Industrial Waste within a Mobile Waste Container within the limits of the Metropolitan Government or hauls or transports Garbage, Rubbish, Chipper Residue, Wood Waste, Yard Waste or Industrial Waste by means of a vehicle on any public highway, road, street or alley within the limits of the Metropolitan Government shall obtain each year a private collection permit from the Department for each such vehicle or mobile waste container. Vehicles and mobile waste containers owned and operated by the Department shall not be required to obtain private collection permits. The Director shall determine the costs to be incurred by the Department in administering the permitting program contemplated by this section, including the cost of enforcement, and charge fees for permit issuance that are sufficient to allow the Department to recover such costs in full. A schedule of fees in effect at any time shall be placed on file in the office of the Metropolitan Clerk. A Person seeking a permit under this section shall submit an application to the Department on a form approved by the Director and specifying:
 - 1. The Person's name, home address, business address and telephone numbers;
 - 2. A list and full description by make and model of all equipment that the Person will or may use in Davidson County for any purpose described in this section;
 - 3. Proof of liability insurance issued by a company authorized to do business in Tennessee in the amounts required by the Metropolitan director of insurance;
 - 4. A plan for the provision of Recycling services for the Person's customers per Section 10.20.105.
 - 5. Such other and further information as the Director may require.
- B. Upon verification of the information contained in the application and payment of the required fee, the Director shall issue the private collection permit.
- C. The private collection permit contemplated in this section shall be effective for one year from the date of its issuance by the Director.
- D. The Director may impose conditions upon the issuing of a permit reasonably calculated to eliminate excessive noise, scattering of dust, dirt and other materials and similar

nuisances, compel adherence to the provisions of this Chapter and prevent obstruction of public streets and interference with traffic.

- E. The Director may revoke a permit granted under this section if the permittee violates any provision of the Chapter or the terms of the permit. A Person whose permit has been revoked may apply for reissuance of the permit. A permit shall be reissued under this section only upon such terms as the Director may reasonably require.
- F. A private collection permit required and issued under this section shall be affixed to the driver's side windshield of the permitted vehicle, or to the front of the permitted Mobile Waste Container.

10.20.105 Recycling services to be made available by waste haulers.

- A. Effective July 1, 2013, each Person providing Solid Waste collection services within the jurisdictional area of the Metropolitan Government shall offer Recycling services and may charge a reasonable fee for the provision of Recycling services.
- B. Prior to becoming eligible for a private collection permit pursuant to Metropolitan Code of Laws Section 10.20.100, the applicant shall submit a plan to the Director for the provision of recycling services. The plan shall contain:
 - 1. A description of the materials which the applicant will accept for Recycling;
 - 2. A description of any requirements which the applicant will impose on those using the Recycling service including but not limited to
 - i. the type of container which will be used for Recycling and whether the container must be purchased from the applicant and the cost therefore;
 - ii. the fee to be imposed by the applicant for the provision of the Recycling service;
 - iii. the minimum level and frequency of service; and
 - iv. any other information the Director deems necessary.
- C. The Director shall approve the plan if the specified fees, requirements and levels of service are, in his/her opinion, reasonable and consistent with other Recycling services within Davidson County. The applicant may submit a request to amend an existing Recycling plan at any time. The application to amend an existing plan shall specify the requested amendment and the reason such amendment should be granted. The Director shall consider the proposed amendment in accordance with the standards set forth in this subsection.

10.20.110 Container requirements, ownership and use; scavenging.

- A. At all times, it shall be the duty of the Owner of every premises where Garbage is created or accumulated to keep or cause to be kept a sufficient number of containers approved by the Director for the deposit of Garbage generated on the premises. Lids or covers must be provided for all such containers and they shall be kept tightly closed at all times other than when Garbage is being deposited therein or removed therefrom. Containers may be placed for collection along public alleys, streets and sidewalks only between the hours of 7:00 AM and 7:00 PM on the scheduled collection day. At all other times, containers must be stored at a location at the rear or side of the premises or at a location approved by the Director so as to not be visible from a public street.
- B. No person other than the Owner, an authorized employee of the Metropolitan Government or one of its contractors, or a duly licensed Collector or Hauler shall

interfere with a container used for the accumulation or handling of Garbage or Rubbish or remove any such container from the location where it shall have been placed by the Owner, nor remove the contents from any such container. It is unlawful for any Person to deposit or permit or suffer its agents, servants or employees to deposit household or commercial wastes in or about the antilitter cans or like receptacles provided by the Metropolitan Government in various public places in the community.

- C. Containers supplied by the Metropolitan Government for the storage and collection of Garbage and Rubbish shall remain the property of the Metropolitan Government. Containers supplied by the Department must be used for all Waste collection services provided by the Department or its collection contractors. The Owner of a premises furnished a container by the Department shall keep the container at the premises and in good repair. In the event a container originally furnished by the Department is lost, stolen or damaged beyond repair, the Owner shall replace, at his/her sole cost, such container with another compatible with the Department's collection equipment and approved by the Director. The Department shall make replacement waste containers available for purchase at the Department's cost. The Director shall issue regulations to aid in the administration of this section.
- D. No Person shall scavenge Waste or Recyclable Materials from any container or facility within the limits of the Metropolitan Government.

10.20.120 Nuisance declared when.

It is unlawful for any Person to keep, cause to be kept, or allow the keeping of Garbage or Rubbish on any premises within the area of the Metropolitan Government in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is declared a public nuisance.

10.20.130 Dumping permitted in designated places only.

- A. It is unlawful for any person to dispose of or cause to be disposed any Waste upon any property other than a disposal facility designated and approved by the Metropolitan Government.
- B. It is unlawful for any person to dispose of or cause to be disposed any Waste in any private receptacle other than the person's own private receptacle or unless authorized to do so by the owner of the private receptacle.
- C. This section shall not apply to any private landfill.

Article II. Urban Services District – Waste Collection and Disposal.

10.20.200 Director of public works authority.

The removal and disposition of Garbage, Rubbish, and Recovered Materials from premises in the urban services district shall be under the jurisdiction of the Director.

10.20.220 Collection requirements.

The Department shall only pick up and dispose of Garbage and Rubbish in the urban services district which has been placed in an adjacent alley, on an adjacent curb or on the side of a public

road or street at locations approved by the Department and subject to the following additional limitations:

- A. One-Family and Two-Family Residences. The Department shall collect and dispose of Garbage and Rubbish once per week from One-Family and Two-Family Residences and the Director shall determine by regulation the maximum amount thereof it will pick up each time. All Garbage and Rubbish shall be placed in containers approved by the Director and no container's contents shall weigh more than fifty pounds; provided, however, these limits shall not apply if the Department or other department furnishes a container with greater capacity. Further, such residents shall comply with waste container capacity and weight limitations established by the Director. Any excess Garbage or Rubbish shall be disposed of by and at the expense of the Owner. The Director may specify by regulation specific circumstances under which the requirements of this section may be waived.
- B. Multifamily Residences. The Department shall collect and dispose of Garbage and Rubbish once per week from Multifamily Residences and shall determine the maximum amount thereof it will pick up each time. All Garbage and Rubbish shall be placed in containers approved by the Director, who shall also determine maximum allowable full container weight. Any excess Garbage or Rubbish shall be disposed of by and at the expense of the Owner.
- C. Commercial-Industrial Establishment. The Department shall collect and dispose of Garbage and Rubbish once per week from Commercial-Industrial Establishments outside the Downtown Core Area and shall determine the maximum amount thereof it will pick up each time. Any excess Garbage and Rubbish shall be disposed of by and at the expense of the Owner.
- D. Commercial-Industrial Establishment, Downtown Core Area. The Department shall collect and dispose of not more than 192 gallons per day of Garbage and Rubbish from Commercial-Industrial Establishments in the Downtown Core Area each day of the week except Sunday. All such containers must be uniform and must be approved by the Director, who shall have the authority to waive the uniformity requirement under appropriate circumstances. Any Garbage or Rubbish exceeding 192 gallons per day shall be disposed of by and at the expense of the Owner.
- E. Back Yard Pickup. Notwithstanding any other provision of this section, the Department shall collect and dispose of Garbage and Rubbish from the back yard of any One-Family or Two-Family Residence upon request for such service by the Owner and upon the payment of a fee, such fee to be the actual cost for providing such service, including the cost of the billing and collection of such fee, as determined by the Department. The cost for this service shall be uniform throughout the urban services district. Any contract for collection of Garbage entered into with a private contractor shall provide for this additional service and shall enumerate the uniform fee for such service. Collectors employed by the Department shall not enter houses or stores for the collection of Garbage or Rubbish. Every Owner receiving back-yard service shall provide a safe and convenient entrance to and through his/her premises for the purpose of collecting Garbage. Where yards are fenced, a gate not less than 40 inches wide and otherwise suitable for passage of collectors and their equipment shall be left open to provide a safe and convenient entrance to and through the premises; provided, that the Director may waive the requirements of this section in cases of hardship. Containers shall be placed where

collectors may pick up and return them without attack from animals and reasonably separated from items not intended to be collected such that collectors may readily distinguish the two. The Director shall by regulation provide for free back yard collection service from One-Family and Two-Family Residences for persons who require such service on account of documented disability.

- F. The Department shall collect and dispose of leaves from One-Family and Two-Family Residences within the urban services district subject to the limitations contained herein.
 - 1. Leaves shall only be picked up if they are properly placed in biodegradable paper bags approved by the Director.
 - 2. Leaf collection shall be a seasonal service and the frequency and duration of the service shall be determined by the Director.
 - 3. Leaves collected by the Department shall not be disposed of in sanitary landfills.
- G. The Department may collect and dispose of excess Garbage and Rubbish within the urban services district upon request for such service by the Owner and payment of a fee, such fee to be the actual cost for providing such service, including the cost of providing containers and the cost of billing and collection of said fee as determined by the Department. Said fee shall be determined annually and published by the Director and shall be paid in advance of provision of the service. The Director shall develop such rules and regulations as may be necessary to aid in the administration of this section.

10.20.240 Hazardous, pathogenic and radioactive waste.

- A. Hazardous Waste. All Hazardous Waste shall be disposed of by the entity generating such waste under such methods and conditions as shall be approved by the Director. Any such entity may apply for a special permit as a private collector or may dispose of Hazardous Waste by licensed private collectors.
- B. Pathogenic and Radioactive Waste.
 - 1. All pathogenic and radioactive waste shall be disposed of by the entity generating such waste under such conditions as shall be approved by the Metropolitan Health Department and the State Department of Environment and Conservation.
 - 2. All pathological waste from physician's clinics, dental clinics, blood banks and medical or microbiological laboratories shall be separated from other Waste and placed in durable disposable bags that can be tied and sealed when full. The bags shall be stored in metal containers with tight-fitting lids while in the process of being filled. Containers shall be adequately labeled and kept in places restricted from access by the public. Needles shall be separated from disposable syringes by breaking them off at the hub immediately after use. These materials shall only be placed at the collection point on the day they are to be collected. Storage, collection and disposal of pathological waste shall be in accordance with regulations of the Metropolitan Health Department and the State Department of Environment and Conservation.

10.20.250 Building debris--Responsibility for removal.

The Owner of any premises that generates building debris such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair, remodeling or

demolition of any building or appurtenances shall be responsible for the private collection and disposal of such material.

10.20.260 Public trash receptacles--Purpose--Specifications.

- A. In order to promote the general health of the inhabitants and to aid and assist in cleaning and keeping clean the streets and sidewalks of the urban services district, the Director is authorized to have placed, on the sidewalks of the urban services district, receptacles for Garbage and Rubbish, which receptacles shall be of a uniform design and approved by the Director. The receptacles shall be so located on the sidewalks as not to interfere with their free use by pedestrians, at places to be designated by the Director. No private Person may place a receptacle for Garbage and Rubbish on a sidewalk in the urban service district for a similar purpose except as provided in this section.
- B. The Metropolitan Mayor is authorized to enter into a contract, under the most favorable terms to the Metropolitan Government which he/she can secure, for placing and maintaining on the streets the receptacles authorized in this section, and he/she is authorized to allow the painting on such receptacles of advertisements of any legitimate business under the laws of the United States and this state and ordinances of the Metropolitan Government. The contract shall contain a reservation that same may be canceled by action of the Metropolitan Council upon thirty days' written notice at any time after six months from the date of the contract, without further obligation or liability on the part of the Metropolitan Government.
- C. Any person entering into a contract with the Metropolitan Government for furnishing and maintaining the receptacles authorized in this section obtain a surety bond with a penal sum of not less than one hundred thousand dollars, naming the Metropolitan Government as obligee, issued by a regularly incorporated surety or indemnity company authorized to do business in the state, and conditioned that such person shall faithfully perform all the conditions and requirements of the contract and shall save the Metropolitan Government harmless from all liabilities arising out of or in any way connected with the existence of such receptacles upon the streets.

Article III. Disposal Facilities, Fees and Charges

10.20.300 Sanitary landfills established--Fee required.

The Metropolitan Government may establish sanitary landfills or other places of disposal of Waste as may be necessary. Except as provided herein, no Person shall use or be permitted to use any sanitary landfill or other place of Waste disposal except upon the payment of a fee. The Metropolitan Council may by resolution establish or adjust fees for any Persons using Metropolitan sanitary landfills, incinerators or other collection stations, provided nothing herein shall prohibit the establishment of a private landfill by any private developer, provided such landfill is approved by the Metropolitan Health Department and the appropriate agencies of the State of Tennessee.

10.20.310 Tip Fees Generally.

Every Person disposing of Solid Waste at a sanitary landfill, incinerator or collection station owned or operated by the Metropolitan Government shall pay a tip fee of six dollars per cubic

yard or twenty-four dollars per ton of loose or compacted Waste unless a different fee is specified in this Chapter. The tip fee specified in this section shall be reduced to five dollars per cubic yard or twenty dollars per ton if the Person generating or producing such Waste separates Recyclable Materials from the Waste before the Waste is collected or hauled from the premises on which it is generated or produced and the separation does not create a public nuisance or cause injury to the public health, safety or welfare and:

- A. For Waste other than Construction and Demolition Waste, the separation results in a minimum of eighty percent of the Waste generated or produced by that Person being diverted to Recycling;
- B. The separated Recycled materials are reused by the separating Person or disposed of by sale or gift for reuse.

10.20.330 Tip Fee -- Wood Waste, Chipper Residue and Yard Waste.

- A. Every Person disposing of Wood Waste at a facility owned or operated by the Metropolitan Government shall pay to the Metropolitan Government a tip fee.
- B. The Director shall determine the costs incurred by the Department in operating said Wood Waste facility that are sufficient to allow the Department to recover such costs in full. The schedule of fees and charges in effect at any time shall be placed on file in the office of the Metropolitan Clerk.

10.20.340 Tip Fees -- Increased when using out-of-county vehicles.

Tip fees and charges imposed in this Chapter shall be doubled when Waste or Refuse is transported to a disposal or collection site in a vehicle bearing a license tag issued by a county other than Davidson County.

10.20.350 Vehicle requirements--Dumping times.

Any vehicle presented for dumping at a facility owned or operated by the Metropolitan Government shall be enclosed at the sides and back or equipped with a tarpaulin or other method established by the Director so as reasonably to avoid spilling garbage or waste, disseminating odors, and attracting insects, and the Director may establish such times when such vehicles may be presented for dumping.

10.20.360 Solid Waste Generator Fees.

- A. In addition to tip fees otherwise due, every Person collecting, hauling or disposing of any Waste, other than Construction and Demolition Waste and Wood Waste, originating or produced in Davidson County shall pay to the Metropolitan Government a solid waste generator fee of six dollars per ton of such Waste. Persons collecting, hauling or disposing of such Waste shall be jointly and severally liable for the payment of the fee; provided, however, that only one fee shall be owed on each ton of Waste. The solid waste generator fee shall not be owed on Waste hauled, collected or disposed of directly by the Metropolitan Government or Persons under contract with the Metropolitan Government to haul, collect or dispose of Waste. The solid waste generator fee applicable to Construction and Demolition Waste and to Wood Waste shall be as specified in subsections B and C of this section.
- B. In addition to tip fees otherwise due, any Person providing permanent disposal of Construction and Demolition Waste in Davidson County shall, if and only if the disposal

site is a Class III or Class IV disposal facility permitted by the Tennessee Department of Environment and Conservation, pay to the Metropolitan Government a solid waste generator fee equal to one dollar per cubic yard of Construction and Demolition Waste accepted at such facility. The maximum capacity, in cubic yards, of every vehicle delivering a load of Construction and Demolition Waste to a disposal site covered by this subsection shall be calculated, and the fee owed for that load shall be the product of that capacity and one dollar. The generator fee specified in this subsection shall be reduced by 50% provided that the Person otherwise owing such fee provides evidence reasonably acceptable to the Director demonstrating that not less than 50% of all Construction and Demolition Waste collected or hauled by such Person during the previous year has been or will be recycled or reused and therefore diverted from landfill disposal.

- C. In addition to tip fees otherwise due, any person providing permanent disposal, temporary storage, or processing of Wood Waste at a site within the boundaries of the Metropolitan Government pay to the Metropolitan Government a Waste Generator fee equal to one dollar per cubic yard of Wood Waste accepted at such facility. The maximum capacity, in cubic yards, of every vehicle delivering a load of Wood Waste to a facility covered by this subsection shall be calculated, and the fee owed for that load shall be the product of that capacity and one dollar. The generator fee specified in this subsection shall be reduced by 50% provided that the Person otherwise owing such fee provides evidence reasonably acceptable to the Director demonstrating that not less than 50% of all Wood Waste collected or hauled during the previous year by such Person has been or will be recycled or reused and therefore diverted from landfill disposal.

10.20.365 Convenience Center and Special Waste fees.

Any person disposing of waste at a Convenience Center operated by the Metropolitan Government shall pay a fee (“Convenience Center Disposal Fee”). The Convenience Center Disposal Fee shall be as follows:

Standard sized Pickup Trucks	\$ 6.00 per load
Standard sized Pickup Trucks with rails	\$ 12.00 per load
Small trailers	\$ 6.00 per load
Large Trailers	\$ 12.00 per load
Tires with rims	\$ 4.00 each

The Director shall determine the costs incurred by the Department for the disposal of Waste not listed above, including Special Waste such as, without limitation, gasoline tanks and used tires, and other Waste collected at the Convenience Centers. The Director shall establish, and revise as necessary, a schedule of fees and charges applicable to collection and disposal to such Waste that are sufficient to allow the Department to recover its costs in full. The schedule of fees and charges in effect at any time shall be placed on file in the office of the Metropolitan Clerk.

10.20.370 Collection of fees.

The Director shall be authorized to promulgate reasonable rules and regulations governing the collection of fees specified in this Chapter. The Director shall also make reasonable rules and regulations as shall be necessary to carry out the inspection, supervision and enforcement of such fees. All funds collected under this Chapter shall be placed in the solid waste fund.

10.20.380 Providers of solid waste disposal service--Fees--Other rules.

- A. Any Person providing temporary or permanent disposal of Waste pursuant to this Chapter shall accept waste from passenger cars disposing of such Waste at no charge.
- B. Any Person providing temporary or permanent disposal of solid waste pursuant to this Chapter shall accept Waste from private, noncommercial, standard pickup trucks at a fee equal to the fee charged at Convenience Centers operated by the Metropolitan Government.
- C. In addition to the fees permitted in subsections A and B of this section, any Person providing temporary or permanent disposal of Waste pursuant to this Chapter may charge passenger cars or private, noncommercial standard pickup trucks the solid waste generator fee authorized in this Chapter. Nothing in this section shall relieve such Person of the obligation to remit the appropriate solid waste generator fee to the Metropolitan Government.

10.20.390 Calculation of fees.

Wherever in this Chapter fees are set on an alternative basis of weight or volume, the Director shall, by regulation, establish which method shall be used for calculation thereof. Wherever in this Chapter such fees are not set on an alternative basis of weight or volume, the Director may, by regulation, establish an alternative calculation method based on one ton equaling four cubic yards.

10.20.395 Annual Report

Every person collecting, hauling, disposing of waste and Recovered Materials, and/or any person providing permanent or temporary disposal of waste, and/or any person processing waste covered by this Article, shall provide the Director an annual report stating the amount of tons of waste collected, hauled, disposed and/or processed by said person. The Director may require said person to submit said report thru a certified independent audit firm.

Article IV. Waste Management Plan Report

10.20.400 Waste management plan report.

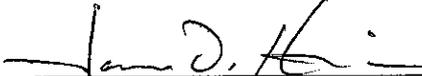
- A. The Department shall file with the Metropolitan Council an annual report detailing progress on the implementation of the waste management plan of the Metropolitan Government. The Department shall compile such information not only from the Metropolitan Government departments and agencies, but also request and compile from state and federal agencies to the extent necessary and possible. All agencies and contractors of the Metropolitan Government shall provide all necessary information to the Department to assist in the creation of the annual report on the waste management plan.
- B. The annual report shall be annually provided to the Metropolitan Council. Notices of the availability of the report will be sent to members of the media and known local environmental groups. A copy of the report shall also be placed on file in the office of the Metropolitan Clerk.

C. The annual report shall follow the guidelines approved by the Tennessee Department of Environment and Conservation regarding Annual Progress Reports (TCA 68-211-815(b)). In addition to the information required by TCA 68-211-815(b), the Department shall provide the following additional information:

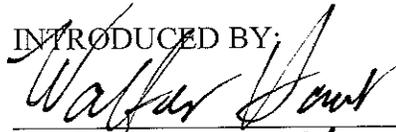
1. The percentage of households in the urban services district participating in curbside recycling annually.
2. The number and type of environmental violations resulting in enforcement actions taken by the Department.
3. The number and type of contract violations by contractors providing trash or recycling collection for the Metropolitan Government.
4. The number and percent of employees who are minorities/women for each contractor of the Metropolitan Government involved in the plan.
5. The number and percent of minority/women owned business enterprises that have contractual relationships with the waste management plan.

Section 2. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

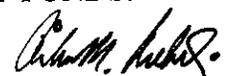
RECOMMENDED BY:


Department of Public Works, Director
for Billy Lynch 6/2/10

INTRODUCED BY:

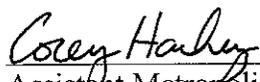



APPROVED AS TO AVAILABILITY
OF FUNDS:


Richard M. Riebeling, Director
Department of Finance

Members of Council

APPROVED AS TO FORM AND
LEGALITY:


Assistant Metropolitan Attorney c*