

ORDINANCE NO. BL2018-1057

An ordinance amending the Metropolitan Code of Laws Title 10, Section 10.20.360, Solid waste generator fees, to clarify fees due upon landfilling construction and demolition waste.

WHEREAS, The Metropolitan Code of Laws Section 10.20.360 (B) as amended provides that any person collecting, hauling or disposing of construction and demolition waste at a class III or class IV disposal facility permitted by the Department of Environmental and Conservation must 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; and,

WHEREAS, the current language of Section 10.20.360 is ambiguous as to construction and demolition waste collected, hauled, received or processed in Davidson County, but later disposed of outside of Davidson County; and,

WHEREAS, as contemplated, the solid waste generator fee should apply to all construction and demolition waste collected in Davidson County, even if the ultimate disposal of said waste occurs outside of Davidson County; and,

WHEREAS, it is in the best interest of the citizens of Nashville and Davidson County that the language of Section 10.20.360(B) be amended for clarification.

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

Section 1. That Title 10, Section 10.20.360 of the Metropolitan Code of Laws shall be amended by deleting subsection B in its entirety and replacing it with the following:

In addition to tip fees otherwise due, any person collecting, hauling, receiving, processing or disposing of any 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 Environmental 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. Persons collecting, hauling, receiving, processing 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 cubic yard of waste. The waste generator fee shall not be owed on recovered materials, yard waste or 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.

Section 2. That this Ordinance shall take effect after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

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Mark Sturtevant, Interim Director  
Department of Public Works

APPROVED AS TO THE  
AVAILABILITY OF FUNDS:

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Talia Lomax-O'dneal, Director  
Department of Finance

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Assistant Metropolitan Attorney

INTRODUCED BY:

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Council Member(s)