

City of Etowah Sanitation Codes

The codes governing the collection and disposal of refuse and trash of the City of Etowah residents can be found under Chapter 50 of the city code. The city code can be viewed at City Hall on the city website at www.cityofetowahtn.com. It is important for the health and safety of the community that citizens understand and adhere to the city codes that govern sanitation collection. An appropriate understanding and compliance to the city codes will also help citizens avoid necessary penalties and fines that can be levied per the code itself. For this reason, some of the city codes are listed below and policy is offered on those that may warrant discretion.

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MUNICIPAL CLEAN UP: The city will provide a municipal clean up service referred to as “Spring Clean Up” for no charge once per every spring season and once per every fall season. (See § 50.14)

REFUSE or GARBAGE: All organic household waste, offal, animal and vegetable matter, such as has been prepared or intended to be used as food, or shall have arisen in the preparation of food and like matter, from restaurants, homes, apartments, wholesale and retail groceries, stores and produce stands. Dead animals or birds shall not be placed in garbage containers, but shall be disposed of in a proper, lawful and humane manner by the owner or keeper.

TRASH: All cold ashes, papers, cans, leaves, weeds, portions of trees, branches, grass, old and worn out household machines, furniture and boxes; provided, it is an accumulation from that property and no debris from contract work (i.e., a store replaces a stove, the store removes the old stove; house remodeled, the contractor removes all debris). If the owner has been verified to have done the work, the city will help remove that debris. Dwelling unit is one that has a semi-private bath, kitchen and bedroom as a minimum.

UNLAWFUL CLUTTER: All waste or non-waste toys, tools, papers of every description, auto parts, furniture, appliances, discarded sand, broken limbs, discarded gravel, ashes, brick bats, tin cans, aluminum cans, empty glass containers, trash, garbage, old firewood not neatly stacked, lumber, upholstered indoor furniture, boxes, mattresses, building materials, yard maintenance items, usable items left in the yard or porches for days at a time, discarded materials of every kind, all of which is left in front, back or side yards, or porches, more than one week; or waste or non-waste building material left in front, back or side yards for more than 30 days.

§ 50.03 DUMPING.

It shall be unlawful to dump or place any refuse, garbage, trash or ashes on any premises in the city, except as specified in this chapter.

§ 50.04 DISPOSAL.

(A) It shall be a civil offense to dispose of any refuse, garbage or ashes anywhere in the city, except in a disposal device, properly constructed and operated, or in a lawfully established garbage or refuse dump. Such materials not so disposed of shall be placed in containers for collection as hereinafter prescribed.

(B) It shall be a civil offense to place or permit to remain anywhere in the city any refuse or other material that is subject to decay, other than leaves, shrubbery, tree trimmings or grass in tightly-fitting and secured plastic bags or metal containers. Such permitted material shall be removed from the property within seven days by the city, private contractor or resident.

§ 50.05 CONTAINERS; UNAUTHORIZED USE.

(A) (1) Any garbage, refuse or ashes, for collection by the city, shall be placed at authorized collecting points and in:

(a) Metal or plastic containers equipped with a cover and handles, so that they may be lifted and carried by one man; no such container shall have a capacity of more than 30 gallons and shall weigh no more than 40 pounds; with the exception of containers picked up mechanically (does not apply to mechanically lifted containers) or containers that will be provided by that person, firm or corporation; not the city; or

(b) Plastic bags, 30 gallons or less with a weight not exceeding 40 pounds per bag if all refuse, garbage or ashes is securely contained. However, it is encouraged for resident to use metal or plastic covered containers. Should the resident elect to use plastic bags, he or she shall be responsible for major cleanup should dogs or other animals destroy the bags. If barrels or drums are used, the sanitation persons will only remove bags of debris. For liability reasons, they shall not lift any barrels or drums in excess of 30-gallon capacity.

(2) Empty containers shall be removed to rear of premises the same day. This does not affect two cubic yards or larger containers. Those containers shall be located by the Public Works Director in such a place and manner not to be a potential health hazard and to the rear of the premises wherever practical.

(1994 Code, § 17-105)

(B) (1) All refuse containers in use on the premises of any commercial establishment shall be used solely and only by that establishment as a receptacle for its commercial refuse.

(2) No person shall use a commercial establishment's refuse container unless specifically authorized by the commercial establishment.

(3) The City Manager shall cause to have signs printed stating that such activity is a violation of this section and may be punished by a civil penalty of up to \$50 for each violation. Such signs are to be placed on the containers by the owners or operators of the business or commercial establishment.

(1994 Code, § 17-106)

§ 50.06 CONSTRUCTION AND REMODELING MATERIAL; MOBILE COLLECTION TRAILERS.

(A) (1) All waste resulting from construction, remodeling, replacement of appliances or demolition of a building shall be promptly removed from the city, or to a business's warehouse, in accordance with the law by the contractor retained to do the work.

(2) The city will not pick up contractor materials. The collection and/or transportation of garbage and/or trash, waste or refuse as provided for herein by any person, firm or corporation, after the adoption of this chapter is prohibited (except for industrial waste and waste from demolition, erection or improvement of a building, collected and transported in accordance with the provisions hereof). (Note § 50.02 of this chapter.)

(1994 Code, § 17-107)

(B) (1) For the purpose of this division (B), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION WASTE. Any materials deemed to be from construction, demolition, remodeling or construction-site preparation, including, but not limited to, lumber, sheetrock, shingles, guttering and all other materials related to construction and remodeling.

CONTRACTOR. Any individual or group being paid to provide construction or remodeling services on houses or properties that do not reside in the house or property being constructed, remodeled or demolished, including, but not limited to, private construction companies, landlords and carpenters.

REMODELING/CLEAN OUT WASTE. Any materials associated with remodeling a property, including, but not limited to, construction waste, materials left behind by renters and other materials related to clearing and remodeling of properties.

(2) The use of mobile sanitation collection trailers will be a “pay per use” service provided to citizens and contractors working on houses and properties inside the city limits. The “pay per use” fees:

- (a) Residents: \$75 use fee, plus the current landfill weighted cost per ton of material; and
- (b) Contractors: \$125 use fee, plus the current landfill weighted cost per ton of material.

(3) The customer will be asked to sign the community clean up service information sheet and pay the per use fee at city hall. At this time, Public Works is informed by city hall personnel that the service can be provided. The trailers will then be placed on the roadway in front of the residence or in the driveway of the residence only; trailers will not be placed in yards or on soil. When the trailer has been collected and taken to the landfill a copy of the weigh ticket will be mailed to the customer for payment of the collected materials, which will be made at city hall.

(4) Construction waste and remodeling/clean out waste will no longer be collected roadside. Collection waste is to be placed inside the mobile sanitation trailers provided by the City Public Works Department. Determination of construction waste on the roadside will be made by the Codes Enforcement Officer, the City Manager and/or the Public Works Director.

§ 50.07 PREMISES TO BE KEPT CLEAN.

(A) All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulation of refuse except when stored as provided in this chapter. Containers for a week’s storage of refuse or more shall be strong, durable and rodent and insect proof.

(B) No person shall allow or leave any debris, rubbish or unlawful clutter (as defined in § 50.01 of this chapter) on his or her property for longer than the defined time periods. All yards, side, front and back and porches must be kept clean as above outlined. No sheets, towels, foil, plastic, flags, loose screens or other clutter shall be placed in windows. No “No Trespassing” signs shall be affixed on houses or trees.

§ 50.13 SCREENING OF DUMPSTERS.

(A) Dumpsters within the city for new development after the adoption of this section shall have an enclosure around them which shall be maintained by the property owner and be kept free of overflowing refuse at all times, except at a scheduled pick-up date. Dumpsters shall be placed on a floor of impervious material and screened on all sides.

(B) Screening material may be any combination of evergreen plantings, wood, composite or masonry material.

(C) The screen shall incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.

(D) Screening shall be a minimum of six feet high.

§ 50.99 PENALTY.

(A) (1) A complaint may be filed by no less than two property owners regarding debris, rubbish or unlawful clutter and shall be addressed to the City Codes Enforcement Officer for inspection and investigation. Further, the Codes Enforcement Officer may conduct an investigation or inspection upon the Officer's own observation of debris, rubbish or unlawful clutter in violation of this chapter.

(2) Any person, firm or corporation willfully violating any of the provisions of this chapter shall be fined not less than \$5, nor more than \$50. Each day such violation is committed shall constitute a separate offense.

(B) If materials are determined to be construction waste, per § 50.06(B), the homeowner can be fined up to \$50 per each offense.

**As you read over these codes and become more familiar with them questions may arise or you may find something doesn't seem to be covered by these codes.
Please feel free to contact Gary Hicks, Public Works Director, at 423-263-7031.**