

Sponsor: Councilman Johnson  
First Reading: 11/20/17  
Second Reading: waived  
Third Reading: 11/20/17  
Ord. No.: 009-17

**AN ORDINANCE TO AMEND CHAPTER 54 (“SOLID WASTE”), ARTICLE I (“COLLECTION AND DISPOSAL”) TO CLARIFY WHICH PROPERTIES QUALIFY TO RECEIVE TOWN TRASH AND RECYCLING COLLECTION SERVICES, TO CLARIFY THE FEE ASSOCIATED WITH REQUESTING AN ADDITIONAL TRASH RECEPTACLE, AND MAKING OTHER HOUSEKEEPING CHANGES**

WHEREAS, the Town of Smyrna is authorized pursuant to Section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, in order to provide for the “health, peace, safety, [and] cleanliness” of the Town, the Town of Smyrna adopted Ord. No. 002-11 on or around April 18, 2011 to regulate solid waste collection and disposal; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend the solid waste collection and disposal regulations in order to make some housekeeping changes, including clarifying which properties in town qualify to receive trash and recycling collection services provided by the Town and clarifying the size of trash receptacles and the fee associated with requesting an additional trash receptacle.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Chapter 54 (“Solid Waste”), Article I (“Collection and Disposal”), Division 2, Section 54-26 by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

Sec. 54-26. - Applicability.

- (a) *Generally.* The rules and regulations set out in this division shall govern the disposition and collection of ashes, recyclables, yard waste, organic refuse, bulk refuse, non-collectible items, and non-organic refuse in the town.
- (b) *Single-family, multifamily dwellings with fewer than ten units under one ownership and certain commercial units.* ~~The rules and regulations set out in this division shall govern and apply only to commercial units having an average trash pickup not exceeding two 32-gallon containers per pickup, to single-family dwellings, and to multifamily dwellings with fewer than ten units under one ownership at one location; provided, however, commercial units~~

~~with limited storage area, exceeding two 32-gallon containers per pickup, may request the town to contract pickup with charges based on average volume over the normal fees or charges to be paid monthly. The rules and regulations set out in this division shall govern and apply to all residential and commercial units qualifying to receive town trash and/or recycling collection services, which shall include the following qualifying units: single-family residential units (i.e. single-family dwellings, townhouse dwellings, duplexes, etc.), multifamily residential dwellings (i.e. apartments, condominiums, etc.) with fewer than ten units at one location, commercial units requesting just one 65-gallon trash container, and commercial units with limited space to store trash containers that request multiple 65-gallon trash containers.~~

- (c) *Other properties.* Any other properties in the town that do not qualify to receive town collection services are required to arrange for private collection. Arrangements for private collection shall be subject to approval by the town manager as to location of pickup, hours, containers, screening of containers and frequency of pickup. Any contract or arrangements for private collection shall remain subject to revision by the town manager where, in his reasonable opinion, the terms thereof require modification in the public interest of the town.

**Section 2.** Amend Chapter 54 (“Solid Waste”), Article I (“Collection and Disposal”), Division 2, Section 54-27(a) by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

Sec. 54-27. - Collection of organic refuse, non-organic refuse, and ashes.

- (a) *Generally.* All qualifying single-family residential units shall be entitled to use one 65-gallon trash container. All qualifying multifamily residential dwellings and commercial units with limited storage space for trash containers may request multiple containers, but an separate fee for each additional container shall be assessed to the property owner or occupant. All trash and recycling containers shall be rigid containers as defined herein, and the Town may require that residential and commercial units use standardized trash and recycling containers. Each individual pickup location may use one, but no more than two, rigid containers. The maximum size rigid container used for organic refuse, non-organic refuse, and ashes shall be ~~32-gallons~~ 65-gallons and the filled weight shall not exceed ~~50 pounds~~ 100 pounds. All organic refuse and ashes shall be placed inside rigid containers unless otherwise provided for herein.

**Section 3.** Amend Chapter 54 (“Solid Waste”), Article I (“Collection and Disposal”), Division 2, Section 54-29(c) by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

Sec. 54-29. - Deposit of yard waste on streets, curbs, sidewalks or alleys.

- (c) *Collection of unbagged leaves.* Unbagged leaves may be deposited in the streets of the town, near the curb, for pickup ~~from October 16~~ beginning September 15 through December 31 of each year. Leaves must be bagged at all times ~~between January 1 and October 15~~ beginning January 1 through September 14 of each year.

**Section 4.** Amend Chapter 54 (“Solid Waste”), Article I (“Collection and Disposal”),

Division 2, Section 54-32(a) by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

Sec. 54-32. - Fees; penalty for nonpayment.

- (a) The town shall collect from the occupant or owner of each parcel of property subject to this division an annual collection fee, regardless of whether or not the owner uses the town collection service. For properties using multiple 65-gallon trash containers, in addition to the annual collection fee, a separate annual fee shall be assessed for each additional trash container. The annual collection fee for each additional trash container shall be 50% of the annual collection fee for the use of just one 65-gallon trash container. The amount of the annual fee shall be set by the town council and may be revised as necessary to reflect changing costs of collection and/or disposal. The fee shall be billed monthly as part of the town utility bill and payable as prescribed pursuant to the town's rules and policies relating to payment of utility bills.

#### SYNOPSIS

This ordinance amends Article II (“Collection and Disposal”) of Chapter 54 (“Solid Waste”) to clarify which commercial units can receive town trash collection services and to clarify that all residential units, except for multifamily dwellings with 10 or more units under one ownership at one location, qualify to receive trash collection services. This ordinance clarifies that trash containers may be up to 65-gallons in size and one trash container may be requested for each qualifying residential property and multiple trash containers may be requested for commercial properties with limited storage space and multifamily dwellings, subject to the payment of an additional fee. This ordinance expands the dates for the collection of un-bagged leaves to September 15 through December 31.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2017 and posted at the Town Hall on \_\_\_\_\_, 2017.

So Certifies:

\_\_\_\_\_  
Town Clerk

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This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2017 and posted at the Town Hall on \_\_\_\_\_, 2017.

So Certifies:

\_\_\_\_\_  
Town Manager