

Sponsor: \_\_\_\_\_  
First Reading: 04/7/2025  
Second Reading: 04/21/2025  
Third Reading: 05/07/2025  
Ord. No.: 008-25

**AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA TO MAKE MISCELLANEOUS UPDATES TO THE SOLID WASTE, RECYCLING, AND YARD WASTE DISPOSAL AND COLLECTION REQUIREMENTS IN THE TOWN OF SMYRNA**

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, the Town Council has adopted regulations pertaining to the collection and disposal of solid waste, recyclables, and yard waste in the Town of Smyrna; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to revise the Town’s solid waste, recycling, and yard waste collection and disposal regulations to more closely mirror the manner in which the Town and third-party contractors have found collection and disposal procedures to be the most effective and efficient and to create more flexibility in procuring third-party collection services.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 54 (Solid Waste), Article I (Collection and Disposal) be and hereby is amended as follows:

**Section 1.** Amend Division 1 (Generally) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

**Sec. 54-1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word not defined in this section shall have its common dictionary meaning.

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials that has been extinguished and contains no burning residue.

*Bulk refuse* means large items that exceed 40 pounds and/or do not fit inside an empty rigid container, including, but not limited to, ~~refrigerators~~, washing machines, ovens, ~~air conditioning units~~, mattresses, dressers, and couches. All non-collectible items are excluded from this definition.

*Heavy duty plastic bag* means a plastic or polyethylene bag not less than one and one-fourth mils thick having a tie or twist fastener and containing no more than 30 gallons or 50 pounds when filled, of sufficient strength to carry its contents without ripping or rupturing.

*Non-collectible items* means construction/demolition debris, refrigerators, air conditioning units, building materials, and hazardous materials (including, but not limited to, herbicides, pesticides, tires, car parts, motor oil, paints, solvents, explosives, and liquefied petroleum gas bottles).

*Non-organic refuse* means all nonputrescible solid waste (excluding ashes, non-collectible items, yard waste, and bulk refuse, as defined herein) consisting of combustible and noncombustible wastes including, by way of example but not limitation, paper, excelsior, cardboard, metals, tin cans, dirt, stone, crockery, glass, plastic, and similar material commonly known and referred to as "trash" or "rubbish".

*Nonputrescible* means wastes not liable to decay or spoil or become putrid.

*Organic refuse* means putrescible animal and vegetable wastes, including, but not limited to, wastes resulting from the handling, preparation, cooking and consumption of food. Yard waste as defined herein is not included in this definition.

*Person* means any natural person, firm, partnership, corporation or unincorporated association.

*Putrescible* means waste liable to decay or spoil or become putrid.

*Recyclables* means fibers and containers including, but not limited to, the following: Narrow-neck plastic bottles (such as milk jugs, bleach-detergent containers, and shampoo bottles), glass bottles and jars, metal containers (such as aluminum, steel, and tin), magazines, junk mail, envelopes, newspapers, corrugated cardboard, boxboard (cereal boxes), clean paper bags, catalogs, telephone books, soft cover books, colored paper, and white office paper. Any item with food residue (such as pizza boxes) is not considered a recyclable, and all liquid containers must first be emptied.

*Rigid containers* means metal, plastic, or vinyl receptacles of rigid construction and durability.

*Yard waste* means grass clippings, leaves, branches, twigs, tree limbs and prunings, flower cuttings, weeds, shrub and hedge clippings, sod, and garden waste (including but not limited to vines, plants, fruit/vegetables and vegetable matter).

**Section 2.** Amend Division 2 (Single-family dwellings, multifamily dwellings with fewer than ten units under one ownership at one location and certain commercial units) by making insertions as shown by underline and deletions as shown by strikethrough 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 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~~ 96-gallon trash container, and commercial units with limited space to store trash containers that request multiple ~~65-gallon~~ 96-gallon trash containers. The Town may provide trash and/or recycling collection services to multifamily residential dwellings with ten or more units at one location and/or commercial uses exceeding the collection limitations outlined herein if it is economically feasible for the town to do so using a collection contractor.

- (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~~ the town manager's reasonable opinion, the terms thereof require modification in the public interest of the town.

**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 96-gallon ~~65-gallon~~ trash container. All qualifying multifamily residential dwellings and commercial units with limited storage space for trash containers may request multiple containers, but a ~~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. The maximum size rigid container used for organic refuse, non-organic refuse, and ashes shall be ~~65-gallon~~ 96-gallon and the filled weight shall not exceed 100 pounds. All organic refuse and ashes shall be placed inside rigid containers unless otherwise provided for herein.
- (b) *Non-organic refuse.* ~~Heavy duty plastic bags may be used for non-organic refuse as long as the heavy duty plastic bags are of sufficient strength to carry their contents without ripping or rupturing. [Reserved]~~
- (c) *Organic refuse and ashes.* All organic refuse and ashes shall be wrapped in paper and/or deposited into plastic bags of sufficient strength to hold their contents without ripping or rupturing. Organic refuse and ashes so wrapped or placed into plastic bags shall then be deposited into a rigid container for collection.
- (d) *Non-collectible items.* No person shall place non-collectible items in rigid containers, rigid containers used for recyclables, ~~heavy duty plastic bags,~~ or any other container used to dispose of items to be collected by the town or a collection contractor.
- (e) *Collection of bulk refuse.* Bulk refuse not otherwise designated herein as a "non-collectible item" may be collected pursuant to the collection terms outlined in the town's contract with the collection contractor, as long as notice is provided to the town five business days prior to the date the large item is to be collected and the large item is placed for collection in accordance with the requirements of section 54-30(a). ~~If bulk refuse collection is not provided as part of the town's contract with a collection contractor, the Town may adopt a resolution~~

to provide these services pursuant to those terms outlined in the resolution that make it economically feasible to do so.

- (f) *Yard waste.* No person shall place yard waste in containers used or designated for recyclables or organic or non-organic refuse, heavy duty plastic bags, or any other container except those authorized in section 54-29.

**Section 3.** Amend Division 2 (Single-family dwellings, multifamily dwellings with fewer than ten units under one ownership at one location and certain commercial units) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

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

- (a) *Authorized yard waste disposal methods.* Except as otherwise indicated in subsection (c) herein pertaining to leaves, all yard waste shall be placed in a rigid container not to exceed 96 gallons in volume. The rigid container must include a metal lift bar to permit semi-automated collection methods. Yard waste shall be separate from all other organic refuse, non-organic refuse, ashes, and recyclables at the appropriate street or alley line for collection. Branches shall not exceed three inches in diameter and shall be cut to fit within the rigid container. Yard waste not placed within the rigid container will not be collected. All rigid containers used for yard waste must have a lid, and any rigid containers filled with excessive amounts of yard waste so as to prevent the closing of the lid will not be collected.
- (b) *Prohibited conduct.* It shall be unlawful for any person to do the following:
- (1) Dispose of or mix yard waste with any non-organic refuse, organic refuse, or recyclables for regular trash collection or to dispose of yard waste in any dumpster or location not specified for such purpose; or
  - (2) Deposit, place, discard, drop or in any other manner scatter any yard waste in or upon the streets, curbs, sidewalks or alleys of the town except as otherwise indicated in this section.
- (c) *Collection of unbagged leaves.* Unbagged leaves may be deposited in the streets of the town, near the curb, for pickup beginning September 1 through December 31 of each year. Leaves must be placed in approved rigid containers for collection at all times beginning ~~January 1~~ the third Monday in March through August 31 of each year.
- (d) *Temporary scattering of yard waste.* Nothing in this section shall be construed as prohibiting the temporary scattering of grass clippings, leaves or the like on town streets, curbs, alleys or sidewalks where the same occurs incidental to and during mowing, raking or clipping operations, but the same shall thereafter be removed and corrected immediately at the conclusion of such operations.

**Sec. 54-30. Placement for collection; collection times.**

- (a) *Placement for collection.* All properly containerized non-organic refuse, ashes, recyclables, organic refuse and/or bulk refuse shall be placed along the curb or property line in front of such lot, or at the rear alley thereof, in order that it may be conveniently collected by the town or the town's collection contractor. Yard waste shall be placed for collection as provided in section 54-29.

- (b) *Setting out and removing rigid containers.* All non-organic refuse, ashes, organic refuse, bulk refuse, and recyclables properly ~~bagged or~~ containerized shall be placed at the appropriate place for collection after 4:30 p.m., prevailing time, the day preceding the day designated for collection. By 12:00 midnight of the same day the collection is scheduled, all empty rigid containers and lids shall be removed to the side or rear of the primary structure situated on the property. If side yard or rear yard storage is not possible, rigid containers may be stored in the front of the primary structure as long as the containers are screened using a waste container enclosure in such a manner that the containers cannot be viewed by the public from the right-of-way abutting the front of the property. A waste container enclosure shall be a solid opaque wall or fence constructed of vinyl, lattice, brick, wood, stucco, or metal, that screens a waste or recycling container.
- (c) *Improperly containerized non-organic refuse, ashes, recyclables, or organic refuse.* Any non-organic refuse, ashes, organic refuse, recyclables, bulk refuse, or yard waste not properly containerized, ~~bagged, bundled,~~ or otherwise placed as required by this article shall not be accepted by the collectors, and it shall be the duty of the person responsible to immediately remove the same, including any loose non-organic refuse, ashes, organic refuse, recyclables, or yard waste.
- (d) *Lids; responsibility for scattered materials.* ~~It is recommended, but not required, that all~~ All rigid containers used to dispose of organic refuse, non-organic refuse, recyclables, and ashes shall have tight fitting lids that comply with the town's collection contractor's requirement for containers. Each person shall be responsible for gathering and properly disposing of any non-organic refuse, ashes, organic refuse, recyclables, or yard waste set out for collection by that person (or stored on the property where the person resides) which are disbursed as a result of wind, animals, birds, or other means or which are otherwise not collected by the town's collection contractor. Any person failing to gather and properly dispose of their non-organic refuse, ashes, organic refuse, recyclables, or yard wastes shall be in violation of this article and subject to the penalties in section 54-2.

**Section 4.** Amend Division 2 (Single-family dwellings, multifamily dwellings with fewer than ten units under one ownership at one location and certain commercial units) by making insertions as shown by underline and deletions as shown by strikethrough 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~~ 96-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 percent 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.

- (b) All final accounts and all new accounts, in any given month, shall be assessed a monthly trash bill. The monthly trash bill on all final accounts and all new accounts shall be prorated on a weekly basis.

EXCEPTION: If the new account is a transfer from the current tenant back to the original property owner, it shall not be considered a new account for the balance of that calendar month unless that property owner uses the trash service or the property is or becomes occupied for any portion of the balance of that month. This exception applies only to the property owner, not a new tenant. The property owner must request removal of the trash fee prior to payment of the bill for this section to be applicable. No refunds will be made after the bill has been paid.

(c) The town manager, or his or her designee, shall be authorized to promptly adjust the amount of all monthly trash bills in order to pass through any increases or decreases in the fees charged to the town by the state solid waste authority in connection with the town's disposition of its solid waste at the authority's landfills. Such adjustments shall be computed and allocated in such manner as to allow the town to recover or refund any increase or decrease in such fees over the remainder of that current fiscal year. The town manager shall report such adjustments to the town council at the next regular council meeting following such adjustment and shall promptly amend the town's schedule of fees to reflect such adjustments. Nothing in this section shall be construed to authorize the town manager or his or her designee to adjust the annual trash collection fee or monthly trash collection bill for any customer except in response to increases or decreases in the fees charged to the town by the state solid waste authority or increases or decreases required by the town's contract with a collection contractor.

**Section 5. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its adoption by the Town Council.

---

## SYNOPSIS

This ordinance clarifies that refrigerators and air conditioning units are not items that will be collected by the Town or its collection contractors. When economically feasible, the town may provide trash and/or recycling collection services to multifamily residential dwellings with ten or more units and/or commercial units exceeding the collection limitations. Plastic bags may not be used to dispose of refuse unless they are placed in a rigid container. The town may, but is not obligated to, provide bulk refuse collection. All rigid containers are required to have lids, and containers are required to be 96 gallons in size.

---

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 May 7<sup>th</sup>, 2025.

ATTEST:

  
Council Secretary

  
Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on April 16<sup>th</sup>, 2025 and posted at the Town Hall on March 31<sup>st</sup>, 2025.

So Certifies:

  
Town Clerk