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# Disposal of Garbage

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Disposal of Garbage

## Private Acts of 1973 Chapter 86

**SECTION 1.** Shelby County, Tennessee is authorized to establish a Sanitary Code for the disposal of garbage and rubbish within Shelby County outside the corporate limits of all municipalities within Shelby County. **SECTION 2.** The Shelby County Quarterly Court is authorized to amend or expand this code at any of its regular sessions. **SECTION 3.** The Shelby County Quarterly Court may designate the Memphis and Shelby County Health Department to enforce said code and establish rules and regulations pertaining to the sanitary disposal of garbage and rubbish. **SECTION 4.** For the purposes of the code the words and phrases used herein shall have the meanings as described in the Section.

**PERSON.** The word "person" shall mean every natural person, firm, partnership, association or corporation.

**GARBAGE** shall include all putrescible animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, handling, storage or meat, fish, fowl, fruits or vegetables, cans or containers originally used for food stuffs, animal offal, dead animal carcasses, and any other product or container as designated by the Health Officer.

**RUBBISH** includes all non-putrescible solid waste consisting of both combustible and non-combustible waste such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

**"HEALTH OFFICE."** The Director of the Memphis and Shelby County Health Department or his authorized agent.

The word "Shall" is mandatory, and the word "May" is permissive.

**SECTION 5.** It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the limits of Shelby County as outlined in Section 8, of garbage or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease and the same is hereby declared a public nuisance. The Health Department is hereby authorized to inspect any premise in the county for the purpose of seeing that the requirements of this code are being complied with.

**SECTION 6.** It shall be a misdemeanor for any person to place any garbage, straw, dirt, chips, shells, nails, iron, glass, fruit peelings, melon rinds, paper shavings, rags, or other rubbish or obnoxious substance on any street, sidewalk, alley, public park, parkway, square or other place in the county or on the property of another person.

**SECTION 7.** The handling, collection and disposition of all garbage, refuse, rubbish and waste shall be subject to the regulations of the department of health which is charged with the duty of seeing to it that the public health shall not be endangered in the handling, storage, or disposal of such refuse matter.

**SECTION 8.** It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. Lids or covers of such containers shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit or garbage for collection shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. Containers provided shall be not larger than twenty-five (25) inches in diameter and thirty (30) inches in height nor smaller than fourteen (14) inches in diameter and sixteen (16) inches in height (commonly known as thirty (30) gallon and twenty (20) gallon containers). All containers shall be made of galvanized or plastic material and shall be kept watertight at all times. Sufficient additional containers shall be provided within the premises for receiving and holding without leakage and spillage all ashes, rubbish and waste matter other than garbage.

**SECTION 9.** Private pick up and disposal service may be used with a bulk type garbage and trash container. The frequency of pick up, the placing and method of disposal of garbage and trash, and the type of container used, shall meet requirements of the Health Department. The Health Department will adopt regulations pertaining to the regulations of this type of service. Trash containers shall be of a size and type as approved by the Health Officer. Trash containers shall not be used for garbage.

**SECTION 10.** The Health Officer may make such rules and regulations as are not inconsistent with the provisions of this code as may be necessary or desirable to aid in the administration of and obtaining

compliance with the provisions of this code.

**SECTION 11.** This bill shall apply to Shelby County outside incorporated towns; provided that agricultural zoned areas that do not have special permits from the Shelby County Board of Adjustments shall be exempt from the provisions herein.

**SECTION 12.** Any person violating any of the provisions of this code or failing, neglecting, or refusing to comply with any regulations of the department promulgated pursuant to the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be liable to fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each offense. Each day of continued violation after conviction shall constitute a separate offense, and may be prosecuted in accordance with Section 53-303 Tennessee Code Annotated.

As amended by: Private Acts of 1975, Chapter 156

**SECTION 13.** If any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity of any other part of this Act.

**SECTION 14.** All laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

**SECTION 15.** This Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any county to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 16.** This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 15 herein and as otherwise provided in this Act.

Passed: April 26, 1973.

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