Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

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Title:	An ordinance amending Chapter 10 of the Metropolitan Code of Law to create the Metropolitan Government Department of Waste Services.		
Sponsors:	Sean Parker, Olivia Hill, Russ Bradford, Burkley Allen, Joy Styles, Tasha Ellis, Terry Vo, Sandy Ewing, Clay Capp, Kyonzte Toombs, David Benton		
Indexes:			
Code sections:			
Attachments:	1. Amendment No. 1 to BL2025-819		

Date	Ver.	Action By	Action	Result
6/4/2025	1	Mayor	approved	
6/3/2025	1	Metropolitan Council	passed on third reading	
5/20/2025	1	Metropolitan Council	passed on second reading as amended	
5/20/2025	1	Metropolitan Council	amended	
5/20/2025	1	Government Operations and Regulations Committee	approved with an amendment	
5/19/2025	1	Transportation and Infrastructure Committee	approved with an amendment	
5/6/2025	1	Metropolitan Council	passed on first reading	
4/29/2025	1	Metropolitan Council	filed	

An ordinance amending Chapter 10 of the Metropolitan Code of Law to create the Metropolitan Government Department of Waste Services.

WHEREAS, RS2021-794, as amended, approved a memorandum of understanding that transferred solid waste disposal responsibilities from the Department of Public Works to the Department of Water and Sewerage Services, along with related operational activities, personnel and equipment, for a term of three years, expiring July 1, 2024; and,

WHEREAS, the Metropolitan Council extended the MOU by one year, through July 1, 2025, to provide sufficient time to hire a director of solid waste and develop a more detailed roadmap to achieve the vision of the Solid Waste Master Plan and to formally create a waste department; and,

WHEREAS, The Metropolitan Government of Nashville and Davidson County (“Metro”) is facing a new era of both operational and strategic challenges and opportunities that will reshape the way solid waste will be managed in the area for the foreseeable future; and,

WHEREAS, as Metro moves into this new phase of solid waste service delivery, it will be very important that it is correctly conceptualized, designed (from both an operational and financial perspective), and managed by the highest-level professional staff to deliver a high quality of service to its customers and meet its long-term

goals; and,

WHEREAS, to that end, a director of solid waste has been hired and has started to review and address key issues and develop a business plan that outlines how the new Metropolitan Waste Department can address the immediate issues and begin implementing the goals outlined in the Solid Waste Master Plan; and,

WHEREAS, it is in the best interest of the citizens of Nashville and Davidson County to establish a Department of Waste, a department focused on operational and strategic challenges and opportunities that will reshape the way solid waste will be managed in the area for the foreseeable future

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

Section 1. That Metropolitan Code Chapter 10.20 Waste Management is hereby amended by adding a new section and the following language:

10.20.001 Waste Services Department Created.

There shall be the department of waste services, which shall consist of a director of waste services and such other officers and employees organized into such divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith and approved by the mayor.

10.20.002 Responsibilities.

The Department of Waste Services shall be responsible for:

(a) The collection and disposal of garbage and other refuse, and maintenance and operation of facilities for disposal of same.

(b) The collection of all charges for services of such collection and disposal.

(c) Such other powers and duties as may be assigned to the department by ordinance.

10.20.003 Director of Waste Services - Qualifications and compensation.

The head of waste services shall be the director. A permanent vacancy in the office of director shall be filled by appointment made by the mayor, subject to the civil service provisions of this Charter. He or she shall have had at least five (5) years' experience in industry or in municipal or metropolitan departments of waste or related field. In the event of temporary vacancy in the office of director due to sickness, absence or other disability, a temporary appointment may be made by the mayor, subject to the civil service provisions of this Charter.

10.20.004 Same - Powers and duties.

The director of waste services shall have general management and control of the several divisions and units of the department. He or she shall appoint and remove, subject to the civil service provisions of article 12 of this Charter, all officers and employees of the department and shall have power to make rules and regulations for the conduct of the business of the department consistent with this Charter and the ordinances of the metropolitan government.

Section 2. That Metropolitan Code Chapter 10.20 shall be amended by deleting references to “Public Works” and inserted in lieu thereof, “Waste Services.”

Section 3. That Chapter 10.20, Section 10.20.010, Definitions, shall be deleted its entirety and replaced with

the following:

10.20.010 Definitions.

In this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

"Battery box" means any container which has been used to hold battery plates and battery acid for use in automotive equipment or in the operation of gasoline engines, radios and like devices or equipment.

"Battery parts" means the lead plates or separation plates used in batteries.

"Bulky waste" means large items of solid waste such as white goods, mattresses, tires, furniture, autos or large auto parts, and other oversize wastes whose large size precludes safe or convenient loading in approved waste containers or complicates handling by normal collection, processing, or disposal methods or vehicles. Bulky waste also means a form of municipal waste materials from residential generators which are either too large or too heavy to be safely and conveniently loaded in the approved refuse disposal container or waste transportation vehicles, including but not limited to, white goods, mattresses, furniture and tires.

"Chipper residue" means wood chips produced by mechanical grinding of limbs, brush, or other woody waste.

"Collector" means a person engaged in the business of collecting solid waste for the purpose of delivery to a transfer station or final disposal point.

"Commercial-Industrial establishment" means any establishment not defined as residential in Title 17 of the Metropolitan Code of Laws.

“Commercial solid wastes” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding domestic and industrial wastes.

“Compostable material” means solid organic waste that may be decomposed under controlled conditions by micro-organisms under aerobic or anaerobic conditions which result in a stable humus-like material free of pathogenic organisms (e.g., food wastes, yard wastes, and low moisture content wastewater sludge).

“Composting” means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.

“Composting facility” means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

“Composting pad” means the ground on which composting activities take place. May be subdivided by function, such as “mixing pad”, “composting pad”, “curing pad” or “storage pad”. An “all-weather Composting pad is one of sufficient construction, firmness and grading so that composting equipment can manage the process during normal inclement weather, including expected rain, snow and freezing temperatures.

“Construction/demolition wastes” means wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material.

"Construction and demolition waste recycling" means the separation and reuse of construction and demolition

waste that otherwise would be disposed of as waste.

“Convenience center” means any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive domestic waste, municipal solid waste and recyclable materials.

"Corrugated cardboard" means packaging material that is formed by gluing one or more fluted sheets of paperboard to one or more flat sheets of linerboard.

"Department" means the Nashville Department of Waste Services of the Metropolitan Government of Nashville and Davidson County, Tennessee.

"Director" means the director of the department.

"Downtown core area" means the area bounded as follows: Beginning at the southeast corner of Broadway and First Avenue; thence north along the east side of First Avenue to the northeast corner of the Public Square; thence west along the north side of the Public Square to the northeast corner of the Public Square and Third Avenue; thence north along the east side of Third Avenue to the northeast corner of Third Avenue and Jo Johnston Avenue; thence west along the north side of Jo Johnston Avenue to the northwest corner of Jo Johnston Avenue and Fifth Avenue; thence south along the west side of Fifth Avenue to the northwest corner of Fifth Avenue and Cedar Street; thence west along the north side of Cedar Street to the northwest corner of Cedar Street and Eighth Avenue; thence south along the west side of Eighth Avenue to the northwest corner of Eighth Avenue and Church Street; thence west along the north side of Church Street to the northwest corner of Ninth Avenue; thence south along the west side of Ninth Avenue to the northwest corner of Broadway and Ninth Avenue; thence west along the north side of Broadway to the east end of the Broadway viaduct; thence south along the west side of Tenth Avenue to the south side of Lea Avenue; thence across Lea Avenue to the east side thereof; thence north along the east side of Tenth Avenue to the southeast corner of Broadway and Tenth Avenue; and thence east along the south side of Broadway back to the beginning point.

"Electronics waste" means waste materials that include electronic components, including, without limitation, personal computers, central processing units, monitors, televisions, cathode ray tubes, printers and keyboards.

"Engage in the business of hauling waste" means to:

a. Use a vehicle to collect waste from residential or nonresidential premises, regardless of the number of times the vehicle is so used; or

b. Use a vehicle to haul waste within the limits of the Metropolitan Government of Nashville and Davison County, Tennessee more than five times during any calendar year.

"Food waste" means organic waste derived from uneaten portions of meals and trimmings from food preparation and processing activities.

"Garbage" means and includes every accumulation of both animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, dealing in or storage in meats, fish, foul, fruits or vegetables.

"Hazardous waste" means any chemical, compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful.

"Hauler" means a person engaged in the transportation of solid waste.

"Infectious waste or biohazard waste" means waste in quantities and with characteristics as determined by the director or the Tennessee Department of Health to be capable of causing an infectious disease in humans.

“Industrial Wastes” means solid wastes produced in, or generated by, industrial or manufacturing processes. The term does not include commercial, domestic, mining, or hazardous waste regulated under Subtitle C of RCRA, or oil and gas waste.

"Liquid waste" means any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test) as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods (EPA) Pub. No. SW-846 or similar publications.

"Medical facility" means any person, office, facility, or institution that generates infectious waste in the course of conducting its primary business or whose act or process results in the creation of infectious waste.

"Multifamily residence" means any dwelling, house, building, or other structure or group of structures containing more than two dwelling units, with each individual unit considered a separate residence.

"Mobile waste container" means a container used for storing or transporting waste materials to a disposal or transfer/processing point. "Mobile waste containers" include containers commonly known as dumpster and roll -off containers in excess of two cubic yards of capacity.

"One-family or two-family residence" means any dwelling, house, building or other structure wherein any individual or group of individuals live on a self-sustaining basis in one or two separate units.

“Operator” means the person or persons applying for or holding a permit, or who are otherwise responsible for the operation and maintenance of a facility.

"Owner" means any Person holding a freehold interest in a premises or facility, or a person lawfully in charge of the premises or facility, or a person maintaining an ownership interest in a collection or hauling company.

"Person" means any and all persons, natural or artificial, including any individual, firm or association, business trust, partnership, corporation, joint venture, or limited liability company, municipality, and public, municipal, nonprofit or private corporation organized or existing under the laws of this state or any state, and any governmental agency or county of this state and any department, agency or instrumentality of any of the foregoing.

"Public place" means and includes parks, water or open adjacent spaces thereto and public yards, grounds and areas and all open spaces between buildings and streets and in view of such streets.

"Recovered materials" means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, regardless of whether the materials will be further separated or processed. Such materials are not solid waste. Recovered materials shall not include yard waste.

“Recovered materials processing facility” means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility.

"Recyclable materials" are materials that may be reused, whether or not processing is required. "Recyclable materials" include such materials as may be designated as such from time to time by the director; provided, however, that such designation must be consistent with applicable state laws and regulations.

"Recycle" means the separation and reuse of recovered materials which otherwise might be disposed of as

waste.

"Recycling center" means any collection facility or system that accepts source-separated materials for resale to markets for conversion to raw materials or new products, including, without limitation, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastic, bimetal and steel containers, ferrous and nonferrous metals. Provided, however, that book or clothing exchanges and ancillary recycling operations are not recycling centers.

"Residential waste" means waste generated at a one-family or two-family residence.

"Resource recovery facility" means any facility wherein takes place recovery of materials that might otherwise be disposed of as solid waste and that have not been separated at the point of generation.

"Rubbish" means and includes all non-putrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, glass, crockery, excelsior and similar materials. Rubbish does not include bulky waste.

"Scavenging" means uncontrolled or unauthorized removal of waste from a facility or an approved container.

"Segregated wood waste" means clean, uncontaminated wood waste acceptable to the director.

“Solid waste” means garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (compiled at 33 U.S.C. Section 1342).

“Solid waste processing” means any process that modifies the characteristics or properties of solid waste, including, but not limited to, treatment, incineration, composting, separation, grinding, shredding, and volume reduction; provided, that it does not include the grinding or shredding of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch or other useful products.

"Source separated materials" means recovered materials that have been diverted or removed from the solid waste stream at the point the recovered materials and the solid waste are generated. Source separated materials may include mixtures of recovered materials.

"Special waste" means waste designated by the director or the Tennessee Department of Environment and Conservation that has physical or chemical characteristics that make it necessary to handle the waste with special equipment or techniques.

“Transfer station” means a combination of structures, machinery or devices at a place or facility which receives solid waste taken from public and/or private collection vehicles and which is placed in other transportation units for movement to another solid waste management facility.

"Waste" means garbage, rubbish and other discarded materials, including liquid, gaseous, solid and semisolid materials resulting from industrial, commercial, agricultural and domestic or residential activities, but does not include recovered materials that are managed in such a manner so as to prevent a public nuisance. The provisions of this chapter imposing duties with respect to the generation, storage, collection or transportation of waste include hazardous waste, infectious waste, and special waste, unless the context requires otherwise.

“White goods” means discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

“Woody material” means residuals and by-products of cutting trees, including but not limited to tree stumps, sawdust, pallets, and dimensional lumber that has not been treated chemically or with adhesives and coatings such as paint, glue, or any other visible contaminant.

“Yard trimmings” means leaves, grass clippings, brush, garden materials, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs. Yard trimmings can also include vegetative materials resulting from the use of commercial products, including but not limited to discarded flowers, potted flowers, or grave blankets that do not include plastic, metal, polystyrene foam, or other non-biodegradable material.

Section 4. That Metropolitan Code Sections 10.20.110(A), 10.20.110(B) and 10.20.110(C) Container requirements, ownership and use; scavenging, shall be deleted in their entirety, and replaced with the following:

A. At all times, it shall be the duty of the owner of every premises where garbage is created or accumulated to keep or cause to be kept a sufficient number of containers approved by the director for the deposit of garbage and recyclables generated on the premises. Lids or covers must be provided for all such containers and they shall be kept tightly closed at all times other than when garbage or recyclables are being deposited therein or removed therefrom. Containers may be placed for collection along public alleys, streets and sidewalks only between the hours of 7:00 p.m. on the day prior to the scheduled collection day and 7:00 p.m. on the scheduled collection day. At all other times, containers must be stored at a location at the rear or side of the premises or at a location approved by the Director so as to not be on a public street or within the public right-of-way.

B. No person other than the owner, an authorized employee of the metropolitan government or one of its contractors, or a duly licensed collector or hauler shall interfere with a container used for the accumulation or handling of garbage or rubbish or recyclables or remove any such container from the location where it shall have been placed by the owner, nor remove the contents from any such container. It is unlawful for any person to deposit or permit or suffer its agents, servants or employees to deposit household or commercial wastes in or about the antilitter cans or like receptacles provided by the metropolitan government in various public places in the community.

C. Containers supplied by the metropolitan government for the storage and collection of garbage, rubbish and recyclables shall remain the property of the metropolitan government. Containers supplied by the department must be used for all waste collection services provided by the department or its collection contractors. The owner of a premises furnished a container by the department shall keep the container at the premises and in good repair. In the event a container originally furnished by the department is lost, stolen or damaged beyond repair, the owner shall replace, at his/her sole cost, such container with another compatible with the department's collection equipment and approved by the director. The department shall make replacement waste containers available for purchase at department's cost. The director shall issue regulations to aid in the administration of this section.

Section 5. That Section 10.20.130, Dumping permitted in designated places only, shall be amended by deleting the title in its entirety and replacing it with “No Dumping Permitted”.

Section 6. That Section 10.20.220, Collection Requirements, shall be amended by deleting the first paragraph in its entirety and replacing it with the following:

The department shall only pick up and dispose of garbage and rubbish, as well as recyclables, in the urban services district which has been placed in an adjacent alley, on an adjacent curb or on the side of a public road or street at locations approved by the department and subject to the following additional limitations:

Section 7. That Sections 10.20.380(A), (B) and (C) Providers of Solid Waste service - Fees - Other rules, shall be amended by deleting them in their entirety and replacing them with the following:

A. Any person providing temporary or permanent disposal of solid waste pursuant to this chapter shall accept waste from private, noncommercial, standard pickup trucks at a fee equal to the fee charged at convenience centers operated by the metropolitan government.

B. In addition to the fee permitted in subsection A of this section, any person providing temporary or permanent disposal of waste pursuant to this chapter may charge passenger cars or private, noncommercial standard pickup trucks the solid waste generator fee authorized in this chapter. Nothing in this section shall relieve such person of the obligation to remit the appropriate solid waste generator fee to the metropolitan government.

Section 8. That Section 10.20.395 Annual Report, shall be amended by deleting it in its entirety and replacing it with the following:

Every person collecting, hauling, disposing of waste and recovered materials, and/or any person providing permanent or temporary disposal of waste, and/or any person processing waste covered by this article, shall provide the director an annual report stating the amount of tons of waste collected, hauled, disposed and/or processed by said person, as a condition of this permitted activity. The director may require said person to submit said report through a certified independent audit firm.

Section 9. That amendments to this ordinance shall be approved by resolution.

Section 10. That this ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as amended, establishes the Metropolitan Department of Waste Services.

In 2021, pursuant to Resolution No. RS2021-794, the Metropolitan Council approved a memorandum of understanding (“MOU”) between the Department of Public Works (now the Nashville Department of Transportation and Multimodal Infrastructure) and the Department of Water and Sewerage Services to transfer solid waste disposal services for a term of three years. The original term was set to expire on July 1, 2024, but the MOU was extended by the Council for one year to July 1, 2025.

The ordinance under consideration would amend Chapter 10.20 of the Metropolitan Code of Laws related to Waste Management to create the new Metropolitan Department of Waste Services. The department would be responsible for:

- The collection and disposal of garbage and other refuse, and maintenance and operation of facilities for disposal of same.
- The collection of all charges for services of such collection and disposal.
- Such other powers and duties as may be assigned to the department by ordinance.

The ordinance sets out the qualifications for the director of the department of waste services. The director would be appointed by the mayor and subject to the civil service provisions of the Metropolitan Charter. The director must have at least five years' experience in industry or municipal or metropolitan departments of waste or a related field. In the event of a temporary vacancy, a temporary appointment may be made by the mayor.

The director would appoint and remove, subject to the civil service provisions of the Metropolitan Charter, all officers and employees of the department. The director would also have the power to make rules and regulations for the conduct of the business of the department, consistent with the Metropolitan Charter and ordinances of the Metropolitan Government.

References to "public works" in Chapter 10.20 would be replaced with "waste services". The definitions section would be replaced with new and updated definitions.

Section 10.20.110 would be updated to include references to recyclables and make other housekeeping corrections. Section 10.20.130 would be amended by replacing the current title, "Dumping permitted in designated places only", with the updated title "No dumping permitted". Section 10.20.220 would also be updated to add a reference to recyclables.

Section 10.20.380 currently provides that any person providing temporary or permanent disposal of waste pursuant to Chapter 10.20 must accept waste from passenger cars disposing of such waste at no charge. This provision would be removed. The existing provisions in Section 10.20.380 would be renumbered and references to this provision would be removed.

Section 10.20.395, which requires an annual report, would be amended to clarify that the existing annual report is required as a condition of the permitted activities of this Chapter 10.20. As amended, the section would also require a quarterly performance report to the Metropolitan Council regarding solid waste disposal, recycling, and compost performance.