

Chapter 30

SOLID WASTE MANAGEMENT*

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* **Cross Reference** Buildings and Building Regulations, ch. 8.

State Law References – Authorization to provide Garbage and Solid Waste Collection and Disposal, Ga. Const. art. 9, sec. 2, par. 3; Solid Waste Management Act O.C.G.A. §12-8-20 et seq; Local and Regional Solid Waste Plans, O.C.G.A. §12-8-31.1; Hazardous Waste Disposal, O.C.G.A. §12-8-61 et seq.; Litter Control Law, O.C.G.A. §16-7-40; Transporting Garbage or Waste Across State or County Boundaries pursuant to contract, O.C.G.A. §36-1-16; Resource Recovery Development Authorities Law, O.C.G.A. §36-63-1 et seq.; Littering Highways, O.C.G. A. §40-6-249; Abandoned Automobiles as Solid Waste, O.C.G.A. §12-8-22(11); Authority to Provide by Ordinance for Removal and Disposal of Junked Vehicles, O.C.G.A. §36-60-4; when Police Officers may remove Vehicles, O.C.G.A. §40-6-206, Abandoned Motor Vehicles, O.C.G.A. §40-11-1 et seq.; Removal of Improperly Parked Cars, O.C.G.A. §44-1-13.

CHAPTER 30. SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

Secs. 30-1 – 30-25. Reserved.

ARTICLE II. LITTER*

Sec. 30-26. 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:

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter Rubbish, and Refuse means all putrescible or nonsolid wastes, including garbage, ashes, dead animals, abandoned automobiles and parts thereof.

Rubbish means non-putrescible solid waste, consisting of both combustible or noncombustible waste such as paper, wrappings, cigarettes cardboard, tin cans, yard clippings, leaves, wood, glass, glass bottles, bedding, crockery, and similar materials.
(Code 1968, §10-12).

Cross reference—Definitions generally, §1-2.

Sec. 30-27. Penalty for Violation.

Any person violating any of the provisions of this article, upon conviction, shall be punished according to the provisions of Section 1-9.
(Code 1968, §10-23)

Sec. 30-28. Depositing in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or at the city landfill.
(Code 1968, §10-13)

Sec. 30-29. Placement in Receptacles so as to Prevent Scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street sidewalk or other public place, or upon private property.
(Code 1968, §10-14)

***Cross reference** – Nuisances, §16-26 et seq.

Sec. 30-30. Sweeping into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

(Code 1968, §10-15)

Sec. 30-31. Merchants' Duty to Keep Sidewalks free from.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(Code 1968, §10-16)

Sec. 30-32. Thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(Code 1968, §10-17)

Cross reference –Traffic and vehicles, ch. 36.

Sec. 30-33. Truck Loads causing.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley or other public place.

(Code 1968, §10-18)

Cross reference-Traffic and Vehicles, ch. 36.

Sec. 30-34. In Parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

(Code 1968, §10-19)

Sec. 30-35. Owner to Maintain Premises free from.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1968, §10-20)

Sec. 30-36. On Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

(Code 1968, §10-21)

Sec. 30-37. Clearing from Open Private Property by City.

(a) *Notice to Remove.* The city manager is hereby authorized and empowered to notify the owner of any open or vacant private property within the city or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to the owner at his last known address.

(b) *Action upon Noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within ten days after receipt of the written notice provided for in subsection (a) of this section, or within ten days after the date of such notice if the notice is returned to the city post office department because of its inability to make delivery thereof, provided the notice was properly addressed to the last known address of such owner or agent, the city manager is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(c) *Charge included in Tax Bill.* When the city has affected the removal of such dangerous litter or has paid for its removal, the actual cost of the removal, plus accrued interest at the rate of seven percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner of such property by the city, and the charge shall be due and payable by the owner at the time of the payment of such bill.

(d) *Recorded Statement Constitutes Lien.* Where the full amount due the city is not paid by such owner within ten days after the disposal of such litter, as provided for in subsection (a) and (b) of this section, then, and in the case, the city manager shall cause to be recorded in the county clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of ten percent if the amount is not paid in full on or before the date the tax bill, upon which the charge appears, becomes delinquent. Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the charge is due and collectible as provided by law.

(Code 1968, §10-22)

Sec. 30-38 – 30-60. Reserved.

ARTICLE III. COLLECTION AND DISPOSAL

Sec. 30-61. 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:

Building Waste means all waste materials from any building construction or repair, to include any waste, incidental to preparing for construction, lot clearing or tree removal, stumps, rocks, etc. and landscaping.

Garbage means waste foodstuffs or table waste of vegetable or animal origin, together with incidental admixtures.

Industrial Waste means all factory waste or refuse from industrial plants of any character.

Refuse means mixtures in any proportions of garbage and rubbish.

Rubbish means the waste materials from normal household or living conditions and business operations other than garbage, but not include garden, lawn, building or industrial wastes. The kinds of materials classed as rubbish are such as paper, rags, bottles, tin cans, cardboard, worn out clothing or furniture, excelsior or the like.

Yard Trimmings mean leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural and silvicultural operations.

(Code 1968, §10-35; Ord. No. 1097, §2, 10-7-96)

Cross reference – Definitions generally, §1-2.

Sec. 30-62. Obligation of the City.

(a) The City Manager through the public works department is authorized and directed to have removed or caused to be removed all refuse and wastes when the refuse and waste is properly prepared as provided in this article from all households and apartment buildings, stores, offices and business establishments as may come within the scope of municipal collection and disposal. Collection schedules and methods of collection shall be determined by the proper officials.

(b) The removal of yard trimmings from the streets throughout the city may be considered a responsibility of the city, provided sufficient equipment and personnel is available. The collection and removal of yard trimmings shall be under the conditions listed in this section and on a schedule as established by the proper officials.

(Code 1968, §10-36; Ord. No. 1097, S1, 10-7-96)

Sec. 30-63. Violations; Penalty.

(a) *Discontinuance of services.* Should any person violate the provisions of this article, then the collection and disposal services furnished by the city to the premises of the person shall be discontinued immediately.

(b) *Responsibility of Householder for Collection After Discontinuance.* Should the collection and disposal services furnished by the city be discontinued for violation of this article, then it shall be the responsibility of the owner, agent, or occupant of the households or business establishments to provide such collection and disposal.

(c) *Penalty for violations.* Should the garbage or refuse remain on the premises and become a health menace and a nuisance, and upon summons and convictions in the municipal court, the owner or occupant shall be punished as set forth in Section 1-9.
(Code 1968, §10-41)

Sec. 30-64. Rules and Regulations Governing Storage and Collection from Households and Other Places.

(a) *Storage.* During intervals between collection days, garbage and rubbish may be kept and stored separately or combined, whichever is more convenient to the householder or other places to be served.

(b) *Containers; specifications; composition; number.* The city will provide one 90-gallon roll-out cart per street address for the storage, collection and disposal of garbage. The carts will remain the property of the city and any carts lost, stolen, or damaged will be replaced or repaired by the city and the cost of such repair or replacement will be borne by the city; however if it is determined by the city that the loss or damage to the cart is a direct result of negligence or abuse by the person or persons using the cart, the same will be held responsible for the repair or replacement of the cart and the cost assessed to them. It shall be the responsibility of the user of the cart to maintain the cart in a clean and sanitary manner, to minimize odors, insects, rodents and other conditions which may render them unhealthy to the occupants or the neighborhood in compliance with local and state health code requirements. Certain areas such as apartment complexes, condominiums, townhouses, public housing projects consisting of six or more attached units and mobile home parks may be furnished commercial containers in sufficient number to adequately contain the garbage prior to disposal at such location. The decision to use commercial containers will be at the discretion of the city.

Commercial and industrial establishments (restaurants, grocery stores, food processing plants, etc.) engaged in the sale or distribution of perishable foodstuffs, shall be required to place all food scraps, by-products or any other putrescible wastes into a plastic trash bag and seal prior to disposal in waste container in order to minimize promulgation of insects, rodents, and other vermin as well as reduce offensive odors resulting from the decomposition of these wastes.

(c) *Placement of containers for collection.* The carts must be placed by the resident or property owner using the cart as close as practically possible to the edge of the street or other accessible area approved by the public works director. Carts shall not be placed on city streets or sidewalks. Carts shall not be placed at curbside for collection prior to 7:00 p. m. on the day preceding the collection day nor later than 8:00 a. m. on the scheduled collection day and shall be removed from the curbside after collection the same day. The city will provide collection once per week and provide collection schedules to all city residents. Exemptions may be granted by the public works director for person with physical limitations which prevent placement of the carts at the curb, provided such person submits a written request for said exemption.

(d) *Removal of industrial or manufacturing refuse.* All refuse accumulated at an industrial or manufacturing plant, packing or processing plant, or building wastes, major tree removals and landscaping shall be removed and disposed of by the owner or operator of each plant or

construction businesses and the city shall not be responsible for the removal of any of these wastes.

(e) *Maximum collection from manufacturing or industrial plant.* A maximum of two containers of garbage or refuse will be collected from any manufacturing or industrial plant, provided no trash or waste is deposited therein.

(f) *Yard trimming; collection; burning.* Leaves, straw, hedge, or shrub and tree trimmings, grass, rocks and other inert materials resulting from general residential yard cleaning will be picked up once a week by the public works department if placed at the front property line prior to the collection day in piles no larger than ten feet long, five feet high, and five feet across. Limbs will be no larger than six inches in diameter and six feet in length. Residents with large amounts of debris resulting from general residential yard cleaning may deliver it to a site designated by the city at no additional charge. The city will not collect stumps, large rocks, debris from any large tree cutting operations, debris from large scale landscaping projects, or debris from commercial establishments. In accordance with O.C.G.A. Section 12-8-40.2, Management of Yard Trimmings, it shall be unlawful to place or mix yard trimmings, with municipal solid waste within the city. Yard trimmings are prohibited from being placed in polykarts or commercial and industrial containers. The aforementioned items shall not be placed on sidewalks, utility strips, or in city gutters or streets. Leaves, rubbish, or yard trimmings shall not be burned on sidewalks, utility strips, city gutters or streets, nor shall anything be burned on the property at any time without the express permission of the city. It shall be the responsibility of the property owner or business owner to properly dispose of old furniture, demolition and construction materials, tires, old clothes, etc. These items shall not be placed on city streets. Old appliances such as washers, dryers, stoves, refrigerators, and other items containing a majority of metal will be picked up on an appointment basis and used in the city's recycling program, provided, however, that these items are to be placed at the front property line after an appointment is made for pickup with the recycling center. Anyone found in violation of this article shall be charged with littering or illegal dumping and punished as set forth in Section 1-19.

(Code 1968, §10-37; Ord. No. 1045; §2, 10-3-94; Ord. No. 1061, §1, 4-3-95; Ord. No. 1072, S1, 10-2-95; Ord. No. 1083; §1, 3-6-96; Ord. No. 1097, §1, 10-7-96; Ord. No. 2055, §1, 1-3-00; Ord. No. 2121, §§ 1, 2, 11-3-03)

Sec. 30-65. Scavenging and Private Collections.

(a) It shall be unlawful for anyone, other than the tenants or occupants of the premises on which refuse containers are stored, or the regularly authorized agents, employees or licensees of the city, to disturb any refuse container or to remove their covers or any of the contents of the containers or to cause such refuse containers or their contents to be strewn on the premises, sidewalks or streets.

(b) Anyone who desires to collect refuse of any character from any residence, store or other place of business shall obtain from the city manager a permit or license authorizing him to do so. The permit shall set forth the conditions governing such private collections or scavenging. Any or all such scavenging shall be subject to the review and approval of the health officer of the city, in addition to such other regulations as may apply to the character and size of the vehicle employed, hours of work, street littering, behavior of employees, etc.

(Code 1968, §10-38)

Sec. 30-66. Special Sanitary Provisions.

The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the health officer of the city. Such refuse shall not be placed in containers for regular collection.

(Code 1968, §10-39).

Cross reference – Health and Sanitation, ch. 20

Sec. 30-67. Deposit of Wastes.

It shall be unlawful for any person to place or cause to be placed any garbage, refuse, industrial wastes or trash upon any public or private property; provided, however that such garbage, refuse, wastes and trash may be placed at the place designated as the landfill under the direction of the person in charge of such fill.

(Code 1968, §10-40)

Sec. 30-68. Tipping Fee for High Volume Disposal.

A tipping fee shall be charged to all governmental entities, commercial collectors and/or businesses who use the sanitary landfill for high volume disposal.

(Code 1968, §10-42)