

CHAPTER 12: SOLID WASTE MANAGEMENT

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Section 12-101 General Purpose; Intent

It is the intent of the city to protect the public health and welfare, reduce the amount of solid waste generated and disposed, and promote environmentally sound solid waste collection. It is unlawful to deposit or dump or accumulate or suffer or allow or permit garbage, refuse, trash or waste material as defined in this chapter, to accumulate upon any premises or public street or public alley within the city. All garbage or refuse shall be deposited in proper containers described in this chapter and said containers shall be emptied not less than once a week. All waste material shall be disposed of in a sanitary landfill in accordance with applicable local, state and federal regulations. In prohibiting the use of waste material above, it is the specific intention of this section that the use of waste material as a substitute for adequate amounts of fill dirt on improved and unimproved real property be prohibited. Any accumulation of garbage, refuse, trash or waste material on any premises, any street, alley or premises within the city is hereby declared to be a nuisance and is prohibited. The City Clerk by written notice shall notify the owner or occupant of any premise with such solid waste accumulation to remove same. Failure to remove such accumulation within ten (10) days of the date of such written notice to do so shall be deemed a violation of these regulations and subject to penalties hereinafter set forth. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.

Section 12-102 Definitions

Containers means such garbage containers as shall be provided by the city.

Construction and demolition waste means a type of solid waste consisting of waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavement, houses, commercial buildings and other structures.

Customer means the local person responsible for the serviced location that receives and/or pays for solid waste service from a franchisee.

Franchise means a solid waste collection franchise awarded by the city and contractually agreed to between the city and the franchisee allowing them to engage in activities of a franchise as defined in and governed by this chapter.

Franchisee means any person, persons or entity granted a franchise from the city who, under agreements for compensation by those receiving services, is engaged in whole or in part in the business of collecting, transporting, delivering, or disposing of solid waste materials within the city.

Garbage. All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking or storage of meat, fish, fowl, fruits or vegetables, and containers originally used for foodstuffs.

Hazardous waste means solid waste that is harmful to human or environmental health. Such waste includes, but is not limited to, solids, semisolids, liquids, and gases that are or may become toxic, caustic, infectious, contagious, flammable, or explosive. Any chemical, compound, mixture, substance or article which is designated by the U.S. Environmental Protection Agency or appropriate agency of the state to be "hazardous" as that term is defined by or pursuant to federal or state law or regulation.

Inert trash. Trash that is not defined as garbage or yard waste such as appliances, furniture, swings or any non-garbage or non-yard waste material which cannot fit into an approved trash container. Inert trash does not include rocks, concrete, bricks and similar solid material, tires, dirt, plaster or construction waste.

Recyclable material. Newspapers, glass bottles and containers, aluminum beverage cans, and bimetal beverage cans.

Refuse. Garbage, yard waste, inert trash, or all.

Waste material means and includes sand, wood, stone, brick, cement, concrete, roofing and other refuse building materials usually left over from a construction or remodeling project, and trees, tree limbs, tree trunks and tree stumps; also the waste products of industrial plants.

Yard waste. Plant material including leaves, grass clippings, thatch, hedge clippings, Christmas trees, pine cones, pine straw and tree limbs less than three (3) feet in length or six (6) inches in diameter. Yard waste does not include tree stumps or tree sections larger than herein described.

Section 12-103 Collection; Disposal – Required Use of Services

Garbage collection service shall be provided for by the city either on its own or through an independent contractor operating under formal contract with the city and it shall be mandatory for all occupants or persons in possession, charge or control of places and premises in the city in or from which garbage is created, accumulated or produced to use the collection service provided for by the city or its contractor. The only exception to the use of city provided garbage collection service is for residential residents who wish to make use of the Madison County Landfill. Residential residents choosing to dispose of their own garbage through the use of the Madison County Landfill must follow all other guidelines set forth in the city’s Solid Waste Management Ordinance. Residential residents found in violation of said ordinance may forfeit their right to choose to use the county landfill.

Section 12-104 Requirements for Vehicles Transporting Garbage

No person shall haul, convey or transport in any manner trash, rubbish, garbage or waste matter in any form over and along the streets, highways and other public places upon trucks, carts, cars or other modes of transportation without having such trash, rubbish, garbage or waste tightly covered with a canvas tarpaulin, or other equally suitable material, to prevent littering the streets, highways or other public places of the city.

Section 12-105 Franchise Exclusivity

The city council may negotiate with an independent contractor the terms, conditions and consideration to be paid for the services sought under such a contract; and it shall be presumed that any consideration agreed upon between the city and such independent contractor shall be in the best interest and welfare of the citizens of this city.

Effective January, 2013, the City of Danielsville contracted with an independent contractor to provide for the disposal of solid waste within the corporate limits of Danielsville. This agreement provides for the city’s solid waste management services to be franchised. The city grants to the franchisee) the exclusive right and privilege to operate and maintain a refuse collection service in, upon, along, across, above and over the streets, alleys, public ways and public places in the city. All refuse accumulated in the city shall be collected, conveyed and disposed of by the franchisee, and no other person or firm shall collect, convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city without written authorization from the city clerk's office.

Section 12-106 Approved Garbage Containers —Regulations

(a) Each residential unit and certain small business customers shall be provided a ninety-six gallon plastic rollaway cart for garbage disposal at a cost as determined by the city council from time to time. All owners/lessees of residential units and small businesses shall keep the rollaway carts in a clean, neat and sanitary condition at all times. Garbage containers furnished by the city shall not be removed from the premises to which they are delivered, and it shall be the duty of the owner/lessee of the premises, in the event the dwelling is to be vacated by the owner/lessee, to notify the city clerk’s office at least three days prior to the vacancy. In the event an owner/lessee loses, destroys or damages a rollaway cart, such owner/lessee shall be required to reimburse the city for the cost of replacing the cart.

(b) It shall be the duty of every person in possession, charge or control of any place in which garbage is created, accumulated or produced to provide, and at all times keep in a suitable place, as may be required by the city or independent contractor, approved garbage carts capable of holding all refuse which would ordinarily accumulate on such premises between the times of successive collections. Additional carts are available at a discounted rate as determined by the city council from time to time.

(c) Commercial and industrial consumers shall place all garbage created, accumulated or produced in approved garbage carts or as necessary for front-end container service, rolloff service using specialized trucks, and compactor service involving special machinery.

(d) Disposal paper or plastic bags of a type, size, and material designed for solid waste disposal may be used to contain refuse for storage and collection, provided they are unbroken, sealed, and loaded in such manner that normal handling will not cause the bag to open. Bags cannot exceed 32 gallons and must be a minimum of .65 mills. Bags, when full, cannot exceed 25 pounds in weight.

(e) Cardboard boxes will be picked up only if broken down and placed in plastic bags.

(f) All bags must be placed in the container. Any bags left on the ground beside the container will not be picked up.

(g) The garbage containers furnished by the city are city property and it shall be unlawful for any person to destroy or deface such containers. Any person found guilty of violating this provision shall be subject to punishment within the discretion of the municipal court judge.

Section 12-107 Placement; Location of Containers

Approved garbage carts shall be place for collection on the curb or beside the roadway in front of the residence or establishment owning or leasing same, but not in the gutter or in the street or alley in such manner as to interfere with pedestrian or vehicular traffic. Garbage shall be collected from the curbside once weekly. To insure pickup, garbage containers shall be placed at the curb no earlier than 6:00 p.m. the day before pickup. Containers shall be removed from the curb and returned to the garage, side or rear of the residence or building no later than by the end of the day of collection. Failure to comply with this provision shall result in the issuance of a citation by authorized city personnel. The first citation shall result in a written warning. Persons receiving second and subsequent citations shall be deemed guilty of a misdemeanor.

Section 12-108 Recyclable Materials

The City of Danielsville encourages its residents and business owners to recycle. Due to the close proximity of the Madison County Landfill and the recycling areas provided, the city does not include a recycling service with its current contracted vendor. The city found that it is most feasible for our residents and business owners to utilize the recycling areas located at the landfill. The owner of each residential, commercial, institutional and industrial property within the city electing to participate in recycling activities shall be responsible for keeping targeted materials separate from solid waste generated on their premises and properly preparing them for recycling. Recycle containers shall be

provided by the owner or occupant of each residence or establishment sufficient in number to accommodate such recycled waste generated by the residence or establishment between deposits. If stored outside, the containers shall be of durable metal or plastic, water-tight, nonabsorbent, rust resistant, rodent-proof, and easily cleanable. They shall be equipped with tightly fitted covers.

Section 12-109 Unlawful Disposition of Refuse

- a) It is unlawful for any person not a resident of the city to deposit any garbage within any container for the purpose of collecting garbage in the city.
- b) It is unlawful to deposit garbage or other debris upon any vacant or unoccupied premises or upon any street, alley, pond, pool or lake within the city.
- c) It is unlawful to deposit garbage or other debris upon another's property without the property owner's permission.
- d) It is unlawful to burn leaves or limbs unless a burn permit for such burning is first secured from the Georgia Forestry Commission.
- e) It is unlawful for any person other than the owner or authorized collection personnel to sift the contents of or remove anything from containers, boxes, or bundles containing garbage or rubbish.

Persons found in violation of any unlawful disposition of refuse shall be punished as set forth in 12-118

Section 12-110 Disposition of Construction/Demolition Waste Material

Waste materials resulting from the construction, alteration, repair or demolition of buildings or structures must be removed by the owner or the person performing such work. Effective January, 2013, if a dumpster is required at the site, the owner or the person performing such work shall call the city's independent contractor to arrange for delivery of such special dumpster to properly dispose of such waste materials. City's current contractor information is available in the city clerk's office.

Waste products of industrial plants and spent oils or greases accumulated at garages, filling stations or similar establishments must likewise be removed by the owner or occupant of the premises per federal and state laws.

Section 12-111 Disposition of Hazardous Substances

It is unlawful for any person to dispose of any combustible, inflammable or other hazardous substance, unless such disposition is made in accordance with federal and state laws. The U.S. Environmental Protection Agency governs such items labeled as hazardous.

State Law reference— Transportation of biohazardous materials, O.C.G.A. § 40-6-253.1.

Section 12-112 Yard Waste – Collection; Disposition

The city does provide removal of yard waste for residential customers. Residential customers in need of this service should contact the city clerk's office and arrange for a pickup. All brush, limbs and leaves shall be kept off of the streets and shall be cut into such size and bundled into such weight as may be conveniently handled by one person.

Brush and limbs shall be placed between the curb and the sidewalk. Where there is no sidewalk, brush and limbs may be placed on the owner's property near the street. Limbs shall not be over six feet in length or four inches in diameter and shall be completely trimmed. Limbs shall be stacked no closer than 50 feet from an intersection and shall be in a manner not to obstruct the view of traffic. All limbs shall be placed in one direction, that is, with all cut ends together.

Leaves must be separated from brush and limbs. Residents should use brown paper lawn bags to collect leaves for pickup by city workers. Where there is no sidewalk, bags shall be placed on the owner's property near the street.

Leaves, limbs, brush or other trimmings shall be placed in an orderly manner so as not to obstruct the free and normal flow of any drainage system or the safe vision or movement of any pedestrian or vehicular traffic. Such debris shall not be placed in the gutter of any roadway at any time. It shall be unlawful for any person to place or dispose of any leaves, limbs, grass or other trimmings within the public rights-of-way throughout the city at any time except as provided in this section. No more than five (5) bags of yard waste will be picked up from any one (1) residence at any one time.

The city shall not remove yard waste for individuals or companies under contract to collect leaves and limbs. The individual or company under contract shall haul and dispose of all such refuse. This requirement also applies to utility or railroad companies, which trim vegetation away from their wires, equipment or tracks to maintain their right-of-way over public and private land.

Except as otherwise provided, city-owned vehicles shall not enter upon private property to collect limbs or other solid waste, and employees are hereby prohibited from entering upon private property to collect limbs which are placed more than five feet behind the sidewalk or property line, whichever is the farthest from the centerline of the street.

Nothing in this section shall be deemed to prohibit an occupier of land within the city from mulching or composting yard waste for use on the premises.

Section 12-113 Composting and Mulching

Leaf and limb materials may be accumulated indefinitely for composting or other processing purposes in a manner that will not harbor rodents or become a public nuisance. Source-separated recyclable material may be accumulated indefinitely in a manner that will not become a public nuisance for the purpose of and in a form acceptable for transport and delivery to a recycling facility.

Section 12-114 Disposition of Inert Trash

Occupiers of land within the city shall be responsible for the removal of inert trash. Such materials shall be properly disposed of at the owner's expense.

Section 12-115 Disposal of Waste Tires

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Waste tire generator. Any dealer in automobile, motorcycle, heavy equipment or truck tires; filling station; garage or other business that sells new or used tires and which retains the customer's used tire after replacement.

Waste tire. Any automobile, motorcycle, heavy equipment or truck tire retained by a waste tire generator after having replaced a customer's tire with a new or used tire.

Permitted disposal facility. Any facility which is permitted by the state department of natural resources, environmental protection division, for the treatment, utilization, processing or disposition of solid waste.

Recapping facility. Any facility which remanufactures waste tires for reuse.

Waste tire hauler. Any person, who transports waste tires for hire.

(b) All waste tire generators and waste tire haulers shall dispose of all waste tires at a permitted disposal facility or recapping facility. All waste tire generators shall remove, or cause to be removed, all waste tires from their business premises at least once each month.

(c) Each waste tire generator and waste tire hauler shall be required to keep adequate records to document their compliance with subsection (b) of this section, including the name of the company or person removing the tires, the date removed, the number of tires removed and the final disposal site of such tires. The business premises of each waste tire generator and the records required by this section shall be subject to inspection by the city marshal at any time such business is open to the public.

(d) It shall be unlawful for any person to violate any of the requirements of this section. Every person convicted in municipal court of a violation of section 12-115 shall be subject to a minimum fine of \$300.00.

Section 12-116 Service Billing—Residential and Commercial; Routine & Special Waste Roll-Offs

(a) Fees for collection of garbage and yard waste shall be those as established by resolution of the city council; and shall be published in the office of the city hall where utility bills may be paid. Price schedule is available at the city clerk's office. Current Fee Schedule effective 9/1/2015.

(b) Fees paid for routine services provided to residential and commercial customers by the city-designated franchisee shall be billed on a monthly basis on a customer's water bill. In the event unscheduled services are requested, charges for those services shall be applied to the next monthly bill or by separate billing. The administration and collection of garbage fees on water bills shall be coordinated between the franchisee and the city clerk's office.

(c) Fees paid for special waste services provided to residential and commercial customers by the city-designated franchisee shall be billed by the franchisee directly.

(d) Any customer who fails to make payment of the charges by the due date as determined by the water business office shall pay, in addition to the amount of the charge, a penalty of fifteen (15%) percent of the amount of said charge. Said penalty shall also be applied to all prior unpaid accounts and on any prior penalties.

Section 12-117 Termination of Services

Any person failing or refusing for any reason to pay the fees charged for any routine garbage, or special solid waste needs imposed by this article, after having been duly billed for the charge by the city, shall be deemed guilty of an offense and, in addition to other penalties, all solid waste services, sewer and water services provided by the city to the premises for which the charges are past due shall be terminated by the city. Non-payment of services may result in liens, fines, and penalties.

Section 12-118 Violations; Penalty of Ordinance

Any person found guilty of violating any part of this Section shall be fined no less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) by the Municipal Court of Danielsville. In addition to fines and penalties, the court shall be authorized to assess actual costs for any removal of trash, garbage, or debris performed by the city.