

Chapter 10

SOLID WASTE ORDINANCE

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ARTICLE I. IN GENERAL.

Section 10.1

Definitions.

For the purpose of these regulations the following words and phrases shall have the meanings ascribed to them in this section:

Collector: A person who under formal agreement, verbal or written, with or without remuneration, does the work of collecting and/or hauling solid wastes.

Disposal area: The designated public landfill.

Garbage: Food waste, including waste accumulation of animal or vegetable matter used for or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fowl, fruit, or vegetables.

Hazardous waste: Material in a solid or semi-solid state resulting from the manufacture or use of pesticides or drugs other than normal household use, pathological wastes, chemical wastes, flammable or explosive material, and similar waste material in a solid or semi-solid state, that the administrative officer may consider a likely hazard to the public health or safety, except radioactive waste materials, as provided in the rules of the Georgia Department of Natural Resources--Rules and Regulations of Solid Waste Management, Chapter 391-1-1.

Industrial waste or industrial solid waste: The solid waste materials from factories, processing plants, and manufacturing enterprises, and including food processing wastes, meat and poultry processing wastes, condemned food, ashes and cinders from power plants, agriculture products wastes, land clearance wastes, and similar wastes.

Premises: Land, buildings, or other structures, vehicles, water craft, or parts thereof, upon or in which solid waste is stored.

Rubbish: A variety of combustible waste not subject to rapid decomposition derived from places of residence, commercial areas, and institutions and shall include paper, rags, plastics, cartons, boxes, tree and yard trimmings, furniture, appliances, metals, minerals, cans, bottles, glass, crockery, excelsior, bedding, rubber, discarded clothing, and similar materials.

Scavenging: Uncontrolled picking from discarded solid waste materials.

Solid waste: Putrescible and nonputrescible waste, except human body waste, and including garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, dunnage, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue incineration, food processing wastes, demolition wastes, construction wastes, and any other wastes in a solid or semi-solid state, not defined in this section.

Waste: Unwanted or discarded material except human body waste.

Yard Trimmings: Yard trimmings shall consist of such items as limbs, leaves, flowers, shrubs, grass, weeds, and such other items as are normally associated with the maintenance and use of a dwelling or business. Waste material from the repair, remodeling, construction, or dismantling of a building shall not be considered yard trimmings as defined in this ordinance.

Sections 10.2 - 10.9

Reserved.

ARTICLE II. SERVICE.

Section 10.10 **Service Established.**

The City Council, in order to protect the health and safety of the people in the City, authorizes and directs the Mayor, by implementing and enforcing the provisions of these regulations, to control the storage, collection, and disposal of solid waste in the City. The Mayor, with approval of the City Council, may plan, procure equipment and personnel, and manage a publicly owned and operated solid waste collection and disposal service and/or establish criteria for evaluation of private collection and disposal services, and may make recommendations to the Council regarding contracts for solid waste collection and/or disposal site owners and/or operation of public or private solid waste collection and/or disposal systems, methods, and sites.

Section 10.11 **Functions of the Mayor and City Council.**

Collection, transportation, and disposal of solid waste shall be under the supervision and control of the Mayor and City Council. The Mayor and City Council shall have authority to establish routes and days of collection, types and locations of solid waste storage containers, and such other matters pertaining to collection, transportation, and disposal of solid waste as they may find necessary and to change and modify the same after notice as required by law, provided such measures are not contrary to the provisions of these regulations.

Section 10.12 **Collection Restricted.**

All solid waste generated or accumulated in the City shall be collected, transported, and disposed of by the City through its designated agents, employees, or contract representatives. No other person shall collect, transport, or dispose of any solid waste generated or accumulated in the City except that these rules and regulations shall not prohibit the producers of industrial solid waste or the owner of premises upon which industrial solid waste has accumulated from collecting, transporting, and disposing of such waste, subject to laws and regulations pertinent thereto, if such service is not provided by the City.

Section 10.13 **Appeals.**

Any person aggrieved by a requirement of or fee charged by the City's utilities services shall have the right of appeal to the City Council which may confirm, modify, or revoke any such requirement or fee.

Section 10.14 **Containers.**

a. Solid waste containers shall be provided by the City or the City's collector. Each container shall be durable, rust resistant, nonabsorbent, watertight, rodent-proof, and easily cleaned. All garbage, ashes, and rubbish shall be placed in the container provided by the City or the City's collector.

b. Containers failing to comply with these provisions or with sharp or jagged edges or with defects liable to hamper or injure the person collecting the contents thereof shall be promptly replaced.

c. Disposable paper or plastic bags of a type, size, and material designed for solid waste storage and disposal shall be used to contain garbage and rubbish for storage and collection. Disposal bags shall be unbroken and securely sealed and loaded in a manner that normal handling will not cause the bag to open.

Section 10.15 **Pre-collection Practices.**

a. Garbage and rubbish shall be drained of excess liquid before being placed for collection.

b. Limbs or cuttings shall be not over four feet in length and four inches in diameter. Larger items in size or weight shall be handled at special fees which may be established by the City Council upon request.

Section 10.16 **Waste Storage.**

a. No person shall place any solid waste in any street, public place, roadway, or private premises except when it is in proper containers for collection or under the express prior approval of the Mayor and City Council. No person shall place any solid waste in any stream, lake, or other body of water.

b. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within such reasonable time as may be fixed by written notice of the Mayor shall be deemed a violation of these regulations and may be abated as provided in Article II of Chapter 21.

Section 10.17 **Scavenging.**

No person other than the owner thereof, an agent, or employee of the City, or any employee of a person holding a contract with the City for collection of solid waste shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or remove any such container from the location where same shall have been placed by the owner thereof.

Section 10.18 **Pick-up Schedule.**

a. In residential and commercial areas not more than 10 days and not less than 7 days shall elapse between one collection and the next, and routes of collection shall be arranged so that collections shall be made on the same day of each succeeding week.

b. Collections shall not be made on City holidays as named in the City Code of Ordinances, unless otherwise specified by the Mayor.

Section 10.19 **Private Collectors--license Required.**

No person shall contract for the collection, transportation, or disposal of solid waste who does not possess a current license for such business operation in the City. Applications for licenses shall be written and shall be considered after evidence has been presented to show that the applicant has received a current permit, appropriate to the type of business concerned, as required under Solid Waste Regulations of the Georgia Department of Natural Resources--Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

Section 10.20 **Same--Contract Collectors.**

a. Subject to City Council approval, any person may contract with the City to engage in the business of collecting, transporting, or disposing of solid waste, provided such persons have applied for and obtained an appropriate solid waste permit in accordance with regulations of the Georgia Department of Natural Resources Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

b. Persons contracting for solid waste collection shall, before engaging in such business, be licensed by the City and shall conform to all regulations providing for safe and sanitary collection and transportation of waste to a point of disposal, and shall execute a bond to the City in the sum of not less than \$25,000 with a responsible surety company duly authorized to do business in the state, to be approved by the City Council, which shall establish conditions for the full and faithful performance of all agreements and covenants in such contract.

Section 10.21 **Cleanliness of Vehicles; Construction, Covering, Etc.**

Vehicles to be used on streets and roadways for solid waste collection, transportation, or disposal shall be kept clean and shall be certified in regard to highway safety by the Motor Vehicle Division of the Georgia Department of Public Safety. Such vehicle bodies shall be in good condition and repair, covered and constructed in such manner that the contents thereof cannot be spilled, leaked, or blown from the vehicle. The outside of the body shall be painted and identified by the name, telephone number, and permit of the person owning the collection business in letters and numbers not less than three inches high and easily legible.

Section 10.22 **Dead Animal Collection.**

Small dead animals, not over 30 pounds in weight, if kept separate from garbage and rubbish, will be collected without charge upon notice to the Mayor, provided that a charge will be made for all such animals collected from animal hospitals, kennels, pet shops, and the like. Owners of large dead animals shall be responsible for their removal and disposal.

Section 10.23 **Solid Waste Classified for Disposal.**

a. *Acceptable solid waste:* The following classes of solid waste shall be acceptable for disposal at publicly owned and operated disposal sites.

1. Garbage, as defined in Section 1 hereof.
2. Ashes, the residue from burning of combustible materials for fuel.
3. Rubbish, as defined in Section 1 hereof.

b. *Unacceptable solid waste:* The following classes of solid waste shall not be acceptable for disposal at public expense on publicly owned and operated disposal sites:

1. Building waste, large quantities of materials resulting from the construction of demolition of building, such as plaster, mortar, broken masonry, scrap lumber, roofing, or similar materials.
2. Industrial waste, solid or semi-solid waste resulting from industrial processes.
3. Dead animals over 30 pounds.
4. Hazardous waste as defined in Section 1 hereof.

Section 10.24 **Private Disposal Sites–Permit Required.**

It shall be unlawful for any person to deposit or permit to be deposited on land under such person’s ownership and control any solid waste without having first obtained a disposal area permit as required by regulations of the Georgia Department of Natural Resources--Rules and Regulations for Solid Waste Management, Chapter 391-1-1.

Section 10.25 **Same–Inspection.**

The Mayor or an authorized representative of the State Department of Natural Resources shall be permitted to enter private disposal sites at any time during normal business hours for free and unhindered inspections to determine compliance with these and all other pertinent laws and regulations.

Section 10.26 **Service Charges.**

a. The City Council of the City of Barwick shall adopt from time to time a fee for residential and commercial customers.

b. The owner or occupant of each residential or commercial unit shall be billed for the fee collected under this ordinance. The occupant shall be billed monthly by the City showing the amount due and payable. The bill for solid waste services, together with the bill for water services, shall constitute the utilities bill for the City of Barwick. Customers of the City of Barwick utilities shall not be allowed to pay a water bill and not a sewer bill or vice versa. Should service be discontinued for non-payment or should an owner or occupant relocate from premises served by the City's utilities services, the City shall not provide services to the premises until all current and delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection fees for water service. A late payment penalty and an assessment of interest shall be imposed on each account for which payment is not made within the prescribed time limit. The occupant of each residential or commercial unit may pay the entire amount due for the calendar year in advance, if they so desire.

Sections 10.27 **Pick-Up of Yard Trimmings.**

a. Yard Trimming pick up is provided every Thursday of each week. An allowance for holidays may apply and there may be a need for additional pickups during a week for special circumstances such as storms and strong winds that may cause an unusual amount of debris, limbs, and clippings. In this case, the City will schedule the extra pick-up.

b. Yard trimming pickup service is provided for the disposal of grass cuttings, pine straw, shrub trimmings and similar vegetative matter and small limbs and trees no longer than four (4) feet in length and four (4) inches in diameter.

c. When preparing yard trimmings for disposal, there must be created compact files of vegetative matter only (leaves, grass and pine straw). Bagging yard waste is not necessary, but if chosen to do so, bags must be biodegradable bags only. Because of new regulations regarding what can be placed in the inert area of the landfill, yard waste that is placed in non-biodegradable plastic bags, cardboard box or paper bags will not be picked up.

d. Yard trimmings must be placed on the right of way that adjoins the owner's property. At no time will yard trimmings be allowed in the road, or placed in such a manner to cause a traffic obstruction. Yard trimmings **may not** be placed on neighbor's property or on property that is vacant.

Sections 10.28 - 10.35

Reserved.

ARTICLE III. LITTER CONTROL.

Section 10.36 Purposes

The Mayor and City Council of the City of Barwick, in furtherance of their responsibility to protect the public health, safety, and well-being of the citizens of the City of Barwick, Georgia, and to protect and enhance the quality of the environment, hereby establishes rules and regulations controlling the unsystematic, careless, and indiscriminate disposition of litter throughout the City of Barwick, Georgia.

Section 10.37 Title

This Regulation shall be known and may be cited as “The Litter Control Ordinance of the City of Barwick, Georgia.”

Section 10.38 Definitions of Terms Used in this Regulation

a. General.

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “may” is permissive and is not mandatory. The “Council” or “City Council” refers to the City Council of the City of Barwick, Georgia.

b. Specific Definitions

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:

City means the duly authorized governing body of the City of Barwick, Georgia, or the geographical area of Thomas and Brooks County inside the corporate limits of the municipality of Barwick, Georgia.

Dumpster means a bulk container used for the collection of garbage, refuse, trash, and litter. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding material for flies, insects, or animals.

Household Trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means all waste, including solids, semi-solids, sludges, and liquids, created by factories, processing plants, or other manufacturing enterprises.

Junked Vehicle includes any wrecked or inoperable automobile, truck, or other vehicle, or vehicle which does not bear a current license plate.

Landfill means any facility where any treatment, utilization, processing, storage, or depositing of solid waste occurs.

Litter means all discarded man-made materials, including, but not limited to, garbage, household trash, industrial waste, building materials, junked vehicles, or portions thereof, refuse, waste materials, sand gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used, or unconsumed substance which is not handled in accordance with the provisions of this Ordinance.

Public or Private Property means the right-of-way of any road, street, or highway; and any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests.

Refuse means any solid waste accumulations consisting of any combination of ashes, building material, garbage, hazardous refuse, household trash, and other waste, or discarded materials of all kinds.

Road or Street shall be mutually inclusive and shall likewise be deemed to include any alley, lane, court, and other thoroughfare, however described or designated.

Rubbish includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material, and similar material.

Scavenge or *Scavenging* means any unauthorized or uncontrolled retrieval of discarded refuse materials.

Section 10.39 **Litter Control**

a. General

It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in the City of Barwick, unless:

1. The property is designated by the State, City, County, or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property;
2. The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter; or
3. The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

b. **Public Streets and Private Property.** No person shall place any accumulations of refuse and trash in any street, median strip, alley, or other public place of travel, not upon any private property except with the written consent thereof, and then only in accordance with the provisions of this Ordinance.

c. **Blockage of Drainage.** No person shall place any refuse, trash, refuse receptacles, or containers on, over, or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.

d. **Unauthorized Storage.** Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley, or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the City or its designee shall raise the presumption that such person intended to violate this Ordinance.

e. **Appliances.** It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door. This Section shall not apply to any appliances, refrigerators, or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped, or locked so that it will be impossible for a child to obtain access to any compartment thereof.

f. **Use of Streets.** It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle. Provided however, this shall not apply to unprocessed agricultural products.

g. **Scavenging.** No person other than the owner thereof shall disturb or interfere with any container or dumpster used for the purpose of storing refuse pending its collection, or remove any contents therefrom, or remove such container from its location.

Section 5. Enforcement

a. General

This Ordinance shall be enforced under Official Code of Georgia Annotated § 16-7-45, as amended, said section being entitled “Litter Control Law.”

b. Investigations

Members of the Department of Public Works of the City shall report all complaints of violations of any of the provisions of this Ordinance to the City Clerk.

c. Enforcing Officers

The Mayor and his/her authorized inspectors and the members of the Barwick Police Department, if in existence, are authorized to issue a citation against any person violating this Ordinance.

d. Court Proceedings

1. Violations of this Ordinance shall be tried upon citations as provided in Official Code of Georgia Annotated § 15-10-63, and may be tried with or without a prosecuting attorney as well as upon accusation by the City Attorney. The City Attorney shall serve as prosecuting attorney.
2. Violations of this Ordinance shall be tried in the Municipal Court of the City of Barwick, Georgia, and shall be tried in accordance with the Official Code of Georgia Annotated §§ 15-10-60 through 15-10-66.
3. Nothing in this Article shall prevent the Mayor and City Council from bringing civil action for injunction, mandamus, or other proceedings to present, correct, or abate any violation of this Ordinance. No sanction, penalty, or remedy prescribed herein shall be considered exclusive of any other remedy but shall be available in addition to any other sanction, penalty, or remedy by law.
4. Each violation of this Ordinance shall constitute a separate offense.

e. Prima Facie Case

1. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this Ordinance.

2. Except as provided in subparagraph 1 of this paragraph, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including, but not limited to, letters, bills, publications, and other writings, which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.

f. Penalty

1. Any person violating this Ordinance or any provision hereof, upon conviction, shall be punished as follows:
 - (a) By a fine of not less than \$100 and not more than \$1,000;
 - (b) In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public road or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - (c) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he/she has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.
 - (d) The court may publish the names of persons convicted of violating this Ordinance.
2. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the Judge of the Municipal Court and required to post bond for his/her future appearance.