



The Honorable William "Bill" Edwards, Mayor
The Honorable Mark Baker, District 7, Mayor Pro Tem
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember

COUNCIL WORK SESSION MEETING AGENDA

- I. Call to Order
- II. Roll Call
- III. Presentations
 - 1. Presentation done by Staff of St. Leo University on the benefits of partnering with their organization, academic programs and continuing education programs **(Willis)**
 - 2. Public Works presentation on Sanitation
- IV. Agenda Items
 - 3. Council discussion on having the November 26th and December 24th Work Session and Regular Meetings (Clerk)
 - 4. Council Discussion on Amending Sanitation Ordinance **(Edwards and Willis)**
 - 5. Council Discussion on Amending Sanitation Ordinance **(Jackson and Gilyard)**
- V. Executive Session

When an Executive Session is Required, one will be called for the following issues: 1) Personnel, 2) Litigation or 3) Real Estate
- VI. Adjournment



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Presentation by St. Leo University

DATE OF MEETING: 10/22/2019

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Presentation St. Leo	Cover Memo	10/17/2019
SLU Points of Pride	Cover Memo	10/17/2019



Atlanta Education Center
Preferred Partnership

Presented to the City of South Fulton
Mayor William Edwards
City Council



Florida's First Catholic University Founded in 1889

Saint Leo University is a Catholic, liberal-arts based university serving people of all faiths.



Located just north of Tampa in
Saint Leo, FL.



www.saintleo.edu/atlanta-education-center
"What you need for where you're going"



Facts and Figures

- Saint Leo has over 92,000 alumni members in all 50 states, Washington D.C., three U.S. territories and 76 countries worldwide.
- One of the nation's leading higher education provider to U.S. military
 - Over 3000 online Learners from all over the world
 - Overall enrollment is 15,000+ students
 - 1,367 total faculty university-wide
- **The Atlanta Education center** is one of more than 40 Education Centers and Offices nationwide
 - Presence in Atlanta market over 40 years
 - New location: Atlanta/Lindbergh



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"What you need for where you're going"

Mission & Values

Rooted in the 1,500-year-old Benedictine tradition, the University seeks balanced growth in mind, body and spirit for all members of its community.

The university at large seeks to create a student-centered environment in which love of learning is of prime importance.

- | | |
|---------------------------|------------------------|
| ❖ Excellence | ❖ Integrity |
| ❖ Respect | ❖ Personal Development |
| ❖ Responsible Stewardship | ❖ Community |



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The Atlanta Education Center

- Opened January 2019
- Located in business district of Atlanta/Lindbergh
- Over 23,000 sq. ft.
- Fitted with state-of-the-art technology to facilitate learning
 - Two computer labs; testing center
 - Learning Resource Center
 - Cyber Security lab
- Flexibility – multiple modalities
 - On-ground, VTT, ICC, Online offered (8-week courses)
- Free parking for students



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The Atlanta Education Center - Programs

• Associates of Arts

- Business Administration
- Criminal Justice
- Liberal Arts

• Bachelor of Arts

- Accounting
- Business Administration
Specializations available
- Criminal Justices
• Specializations available
- Human Resource Management
- Human Services

• Psychology

- Specializations available

• Sociology

- Specializations available

• Bachelor of Science

- Computer Information Systems
- Cyber Security
- Health Care Administration

• Master of Science

- Criminal Justice
• Specializations available
- Human Services

Other **FLEX** options available
Micro-credentials coming soon*



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Public Safety Programs

UNDERGRADUATE

- Criminal Justice
 - General
 - Criminalistics
 - Homeland Security
- Emergency Management (FLEX)

GRADUATE

- Criminal Justice
 - Behavioral Studies
 - Corrections
 - Criminal Investigations
 - Critical Incident Management
 - Forensic Science
 - Legal Studies
- Emergency and Disaster Management (FLEX)
 - General
 - Fire Science Administration



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Preferred Provider Benefits/Requirements

- Employee/Education benefit to your organization at no cost
 - 10 to 15% educational tuition discount (open to all employees)
 - Access to academic advisors and admission counselors
 - Evaluation of Post, Military, and prior college transcripts *(based on catalog guidelines)*
 - Application Fee WAIVED
- Usage of meeting space at Atlanta Center
- Invitation to applicable institutional workshops *(based upon availability)*
 - Prior trainings/workshops have included: Human trafficking, Resiliency & Mindfulness, Entrepreneurship, International Business and many others.



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Preferred Provider Benefits/Requirements

- Priority invitation to center-held events (i.e. career fairs, networking, etc.)
- Upon signing, press release posted to various media outlets (i.e. newspapers, online media and social media)
 - Link to social media platforms/website
- Ability for city personnel to participate in center-related speaking events

What we require

- *Highlight Saint Leo as partner on city intranet/HR information portal or website*
- * Direct recruitment opportunities at applicable city events*
- * Opportunity to share information at approve locations/offices*



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10

Tuition and Financing

Tuition discount is applicable to all city employees for tenure of employment

- Must provide employee id and/or pay stub
- Discount can be used in addition to financial aid, military or other types of financing

*Tuition based upon most current catalog

<https://www.saintleo.edu/tuition-costs>



www.saintleo.edu/atlanta-education-center
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Corporate Partners

City of Atlanta
 Clayton County Board of Commissioners
 Clayton County Policy Department
 FBI National Academy Associates
 Fulton County Sheriff's Department
 Griffin Police Department

Over 25 more city, state, and law enforcement agencies

Over 140 partners nationwide



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We look forward to our Partnership



Questions ??

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Atlanta Education Center
2450 Piedmont Rd NE Suite 200
Atlanta, GA 30324
Natanya.dowell@saintleo.edu
atlanta@saintleo.edu



www.saintleo.edu/atlanta-education-center
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POINTS OF PRIDE

Saint Leo University is a nationally ranked and recognized institution for its commitment to delivering a quality learning experience.

Here are just a few of our recent honors:

U.S. News & World Report

2019 Best Regional University–South
2019 Best Value University–South
2019 Best Colleges for Veterans
2019 Best Online Bachelor's
2019 Best Online Bachelor's Programs for Veterans

Diverse: Issues in Higher Education

Top-100 institutions for minority students

Victory Media

2019 Top 10 Gold-level Military Friendly[®] School Award
2019 Military Spouse Friendly School

Military Times Best: Colleges 2019

Fourth in the U.S. (online and nontraditional schools)





CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Sanitation Presentation

DATE OF MEETING: 10/22/2019

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Sanitation Presentation	Cover Memo	10/16/2019



October 22, 2019



City of South Fulton Sanitation Ordinance: Residential Collections Program Update

**Antonio Valenzuela
Public Works Director**



Sanitation Ordinance Purpose

- **Reduce/Eliminate Illegal Dumping**
- **Ensure Safe, Reliable and Efficient Collection for Residential and Commercial Solid Waste**
- **Protect the Environment**
- **Mitigate Impacts to Infrastructure from Operation of these Services**

Presentation Overview



1. Residential Update

- ☐ Current Certified Providers
- ☐ Participation Rates
- ☐ Provider Interviews
- ☐ Compliance Process



2. Sanitation Ordinance:

- ☐ Proposed Exemptions
- ☐ Recommendation



Latham Sanitation



3. Timeline and Next Steps



CommunityWasteDisposal.com
Since 1984



1.1 Residential Update: Current Providers (7)



Providers List

1. T&R Sanitation (New)
2. Waste Disposal
3. Reliable Sanitation
4. GFL
5. Waste Pro
6. Fulton Sanitation
7. Latham Sanitation



1.1 Vendor Pricing as of Sept 30 (Quarterly)



Residential Providers	Districts Served	Back Door Services	Garbage	Recycling	Bulk Waste	White Goods	Yard Waste
Community Waste Disposal	1,2	No charge	\$42.10	\$56.70	Quoted @time of servicing.		Included
Fulton Sanitation	2,3,4,5,7	No charge	\$57.75	\$42.00	\$35.00 (min)	\$40.00 (min)	\$75.60
Latham Home Sanitation	3,4,5	Does not offer	\$57.00	\$60.00	Included	Quoted @time of servicing.	\$90.00 (6mths)
Reliable Sanitation	2,3,4	Does not offer	\$57.00	\$42.00	\$50.00 (min)	Quoted @time of servicing.	Included
GFL	All	\$70	\$59.55	Included			
Waste Pro USA	1,2,3	Does not offer	\$51.00	\$21.00	Quoted @time of servicing.		\$30.00
T @ R Sanitation	5,6,7	\$72	\$48.00	N\A			\$2.00 a bag



1.1 Provider Interviews

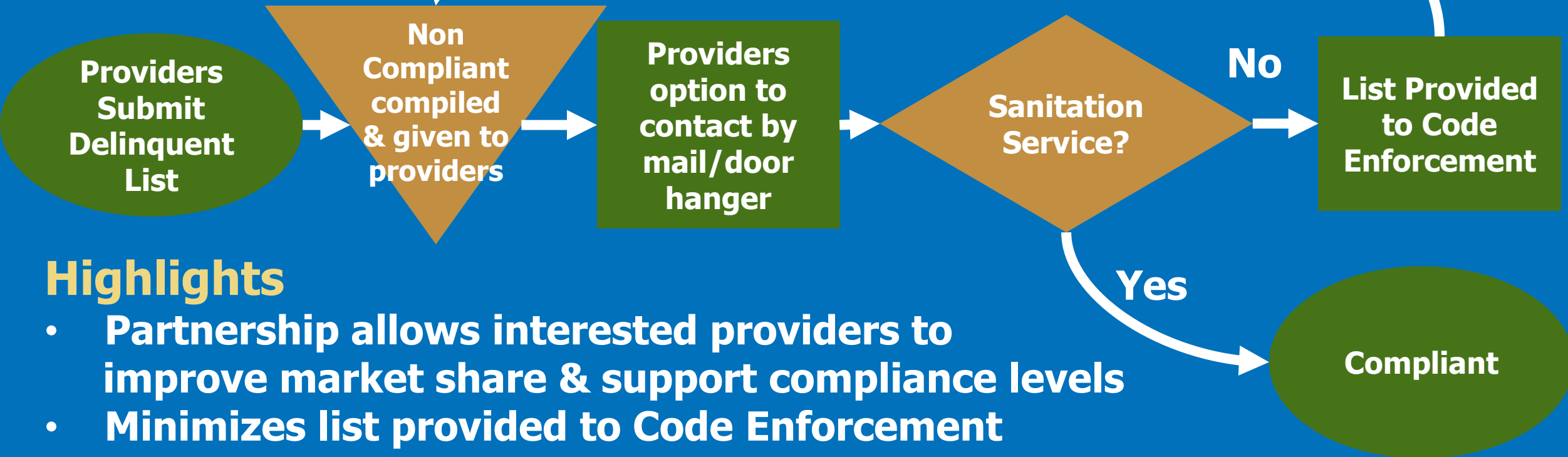
Purpose: Receive Feedback on Ordinance & Clean Up Reporting Activities

Key Findings:

- All have provided reporting to city (including T&R)
- Delinquency rate estimated between 10-15%
- All vendors offered to support Ordinance education
- Vendors would like to see 3 years contract with CoSF instead of uncertainty of the Market
- Vendors agreed to work to reduce days of service in City



1.1 Ordinance Compliance Process



Highlights

- Partnership allows interested providers to improve market share & support compliance levels
- Minimizes list provided to Code Enforcement
- Recommend Submittal of non compliant list to Code Enforcement four (4) weeks after end of Quarter
- Flexibility to Shorten Process for Problem Properties



1.2 Participation Rates*

- **Just over 28,000 (80%) South Fulton Households Reported with Service by Providers**
- **Non Compliant Rate (service discontinued due to non payment) ranges between 10 and 15%**
 - Slightly higher than industry standard
 - Rental properties/general turnover
- **Process developed to address and enforce if necessary**
 - Partnership between City, Providers, Code Enforcement and Jacobs
 - Emphasis placed on **compliance** with enforcement as last option

*Calculated from Residential Sanitation Provider Reports As of September 30, 2019



1.2 Participation Rate Breakdown

- **Hard Numbers**
- **Estimated 35,000 Residential households within City**
- **Just over 28,000 Households (80%) Reported by Providers with Current Service**

Breakdown of Those Without Service

- **Estimated that 2,800 (8%) had service but terminated by Providers**
- **Remaining 4,200 (12%) Not Reported by Providers with Service.**
 - **Use Provider not certified by City currently**
 - **Served by commercial provider**
 - **Rental Properties/general turnover**
 - **Vacant/abandoned properties**
 - **We continue to identify/remove properties without a permanent structure**



2.0 Sanitation Ordinance*

Proposed Exemptions to Ordinance:

- **New Residential Construction (unoccupied)**
- **Code Enforcement in Rem Properties (open court case to demolish)**
- **Parcels with no Permanent Structure (Parcels with a motor vehicle that includes a trailer or living quarters not exempted)**

Additional Proposed Amendment

- **Outdoor Receptacle Requirement for Convenience Stores & New Establishments with Take Out Service**

*Developed through Page 21 of 91 feedback from Code Enforcement
City of South Fulton | October 22, 2019



2.1 Recommendations

- **Support Resolution where Open Market Service Structure continues for next three (3) years**
- **Work with providers to reduce days collections occur within the City (ex Mon-Wed)**
- **Coordinate with Code Enforcement to ensure Ordinance compliance**
- **Ensure roll carts are removed from street after service**
- **Ensure service provided at every residence**
- **Pursue Passage of Amendments to Ordinance**
- **Develop Comprehensive Beautification Plan**
- **Relationships with Stakeholders to Promote Clean Public Spaces**



3.0 Timeline and Next Steps

Immediate/Ongoing

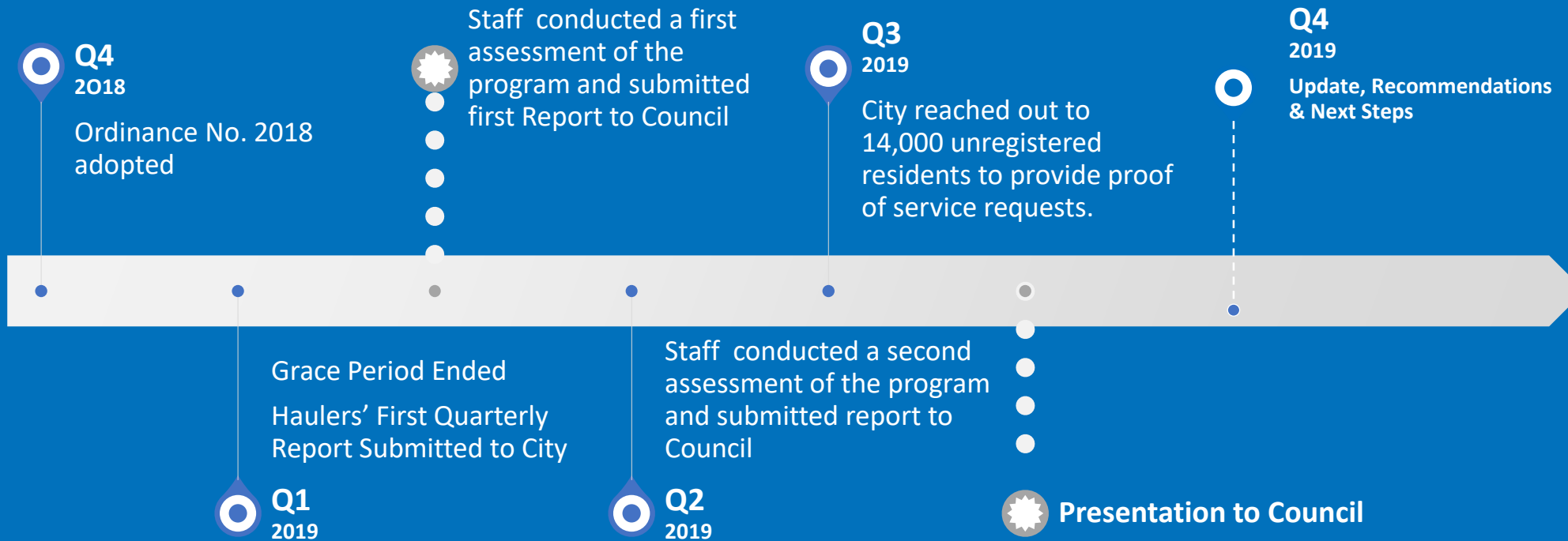
- **Implement Compliance Process with Providers & Code Enforcement**
- **Work with Legal Department to Define Amendments to Ordinance**
- **Develop/Enhance Relationships/Activities with Keep South Fulton Beautiful and Others to Promote Clean, Attractive Communities**
- **Work with Providers to Reduce Collections Days**
- **November 16 South Fulton Amnesty Day**
- **Continue to respond to community calls & emails related to Ordinance**

4Q 2019

- **Develop Beatification Plan designed to reduce litter and enhance key locations through partnerships, education and programming**



3.1 Project Milestones



October 22, 2019



Questions and Comments

Antonio Valenzuela
Public Works Director





CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Council Discussion on the Nov. 26th and Dec. 24th Work Session and Regular Meetings

DATE OF MEETING: 10/22/2019

DEPARTMENT: City Clerk



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Council Discussion on Amending Sanitation Ordinance

DATE OF MEETING: 10/22/2019

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Amending Sanitation Ordinance	Cover Memo	10/16/2019

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **AN ORDINANCE TO AMEND TITLE 6, HEALTH AND SANITATION, OF THE CITY**
7 **CODE TO ESTABLISH A PRIMARY RESIDENTIAL SOLID WASTE SERVICE**
8 **PROVIDER; TO ENHANCE THE COLLECTION, DISPOSAL, AND RECYCLING OF**
9 **SOLID WASTE AND FOR OTHER LAWFUL PURPOSES**
10

11 **(Sponsored by Mayor Edwards and Councilperson Willis)**
12

13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly organized
14 and existing under the laws of the State of Georgia;
15

16 **WHEREAS**, the duly elected legislative authority of the City is the Mayor and Council
17 thereof (“City Council”);
18

19 **WHEREAS**, pursuant to O.C.G.A. § 36-35-3 and City Charter Section 3.10(b), the City
20 Council is authorized to adopt ordinances it deems necessary, expedient, or helpful for the
21 health, welfare, sanitation, comfort, and well-being of the inhabitants of the City;
22

23 **WHEREAS**, the City finds that amending its solid waste collection, disposal, and
24 recycling ordinance will serve to promote safety, sanitation, reliable waste collection service,
25 protection of the environment and City streets and roads;
26

27 **WHEREAS**, the City further finds that amending its ordinances as set forth herein helps
28 the City to effectively address challenges and concerns identified within its solid waste
29 management planning process;
30

31 **WHEREAS**, pursuant to Article IX, Section II, Paragraph I (a) and III (a) (2) of the
32 Georgia Constitution and controlling Georgia law, the City is authorized to enter into one or
33 more service agreements with a private company or companies to provide Residential Solid
34 Waste Collection and Disposal Services, Processing of Residential Recovered Materials,
35 Recycling and related solid waste services to residents of City; and
36

37 **WHEREAS**, the City finds it to be in the public interest and for the health, welfare,
38 sanitation, comfort, and well-being of the City and its inhabitants to adopt the regulations herein
39 regarding the processing of solid waste within the City.
40

41 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as**
42 **follows:**
43

Section 1: Chapter 2 of Title 6, Health and Sanitation, of the City of South Fulton Code of Ordinances is hereby deleted in its entirety and replaced with a new Chapter 2, which shall read as follows:

TITLE 6, HEALTH AND SANITATION

CHAPTER 2: SOLID WASTE

Sec. 6-2001: Short title.

This Chapter shall be known as the City of South Fulton Solid Waste Ordinance.

Sec. 6-2002: Definitions.

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

Biomedical Waste shall mean pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment all parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-.15 as such rule existed as of the effective date of this Ordinance, and other such waste materials.

Bulk Waste shall mean discarded items that are larger than three (3) feet in any dimension, and/or heavier than fifty (50) pounds in weight, and therefore too large to be collected in Residential Municipal Solid Waste Collection Carts, including but not limited to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, and other similar items.

Collect or Collection shall mean to remove Residential Solid Waste, Residential Recovered Materials, or Commercial Solid Waste for transport to a disposal or processing facility, or cause such to be removed.

Collection Services shall mean the Collection from a Residential Unit or from a

Commercial Establishment of Municipal Solid Waste, and Residential Recovered Materials including related transportation, transfer processing and/or disposal.

Commercial Establishment shall mean any hotel, motel, apartment dwelling consisting of more than four (4) units, business, public or semi-public building or premises of any nature or kind whatsoever other than a Residential Service Unit.

Commercial Container shall mean a dumpster or similar waste receptacle supplied by a Commercial Service Provider.

Commercial Recovered Materials shall mean Recovered Materials generated at a Commercial Establishment.

Commercial Service Provider shall mean a Person, firm, corporation or other entity granted authorization by the City to engage in Commercial Solid Waste Collection and Disposal within the City who, under written agreement for compensation by those receiving services, does the work of collecting, transporting, and disposing and/or processing of Commercial Solid Waste and Commercial Recovered Materials.

Commercial Solid Waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential, industrial, C&D, and hazardous wastes.

Commercial Solid Waste Collection and Disposal shall mean the performance of collecting, transporting, and disposing and/or processing of Commercial Solid Waste and Commercial Recovered Materials in accordance with all requirements of the Solid Waste Collection and Disposal Services Ordinance and other applicable laws related to commercial solid waste, commercial recovered materials, as well as incidental administrative tasks related to the performance of those requirements.

Composting shall mean the controlled biological decomposition of organic matter into stable, odor-free humus.

Construction and Demolition Waste (C&D Waste) shall mean waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations of

103 pavements, houses, commercial buildings and other structures. Such waste includes, but is not
104 limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard,
105 carpeting, inert waste landfill material, and other non-putrescible waste, which have a low
106 potential for groundwater contamination.

107 C&D Waste Service Provider shall mean a Person, firm, corporation or other entity
108 granted authorization by the City to engage in C&D Waste Collection and Disposal within the
109 City who, under written agreement for compensation by those receiving services, does the work
110 of collecting, transporting, and disposing of C&D Waste.

111 C&D Waste Collection and Disposal shall mean the performance of collecting,
112 transporting, and disposing of C&D Waste, in accordance with all requirements of the Solid
113 Waste Collection and Disposal Services Ordinance and other applicable laws related to C&D
114 Waste, as well as incidental administrative tasks related to the performance of those
115 requirements.

116 City shall mean City of South Fulton, Georgia.

117 Disabled Person shall mean an Owner of a Residential Service Unit who is disabled to
118 the extent that he or she is incapable of placing his or her Residential Municipal Solid Waste,
119 Storage Cart, Residential Recovered Materials, Storage Bin, White Goods, Bulk Waste and/or
120 Yard Trimmings at the Residential Designated Collection Location for Collection by the
121 Residential Service Provider, such that he or she satisfies this Ordinance.

122 Disposal shall mean dumping or depositing of solid waste into or onto a disposal facility.

123 Disposal Facility shall mean a sanitary landfill or other solid waste disposal facility
124 permitted by the Georgia Department of Natural Resources, Environmental Protection Division
125 and/or other applicable regulatory agency with jurisdiction and where the final deposition of
126 solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment
127 technology facilities.

128
129 Duplex shall mean a building designed exclusively for residential occupancy by two (2)
130 families.

Elective Services shall mean collection services offered by a Residential Service Provider for an additional charge which are arranged between the Residential Service Provider and a Residential Service Unit and billed for separately by the Residential Services Provider.

Garbage shall mean food waste, including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. Garbage does not include Unacceptable Waste.

Hazardous Waste shall mean any Solid Waste which has been defined as a hazardous waste in regulations promulgated by the United States Environmental Protection Agency or under Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 *et seq.*

Industrial Waste shall mean Solid Waste generated by manufacturing or industrial processes or operations that is not a Hazardous Waste. Industrial Waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generations; fertilizer and agriculture chemicals; food-related products and byproducts; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals, plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment, and water treatment. This term does not include mining waste or oil and gas waste.

Landfill shall mean an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile..

Mobile Home shall mean a mobile or manufactured home, receiving residential type collection.

Multi-Family Dwelling shall mean a building designed exclusively for residential occupancy by more than one family, except for Duplex, Triplex, and Quadraplex units.

Municipal Solid Waste shall mean any solid waste derived from households including garbage, trash, and sanitary waste in septic tanks and means solid waste from, single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day

use recreation areas. The term includes Yard Trimmings and Commercial Solid Waste, but does not include Construction and Demolition Waste and solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Composting shall mean composting of the typical mixed Solid Waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

Municipal Solid Waste Disposal Facility shall mean any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities.

New Customer shall mean any Owner of a newly-constructed Residential Service Unit or newly-constructed commercial establishment.

Non-Curbside Collection shall mean Collection of Residential Municipal Solid Waste, Residential Recovered Materials, Residential Bulk Waste, White Goods, and/or Yard Trimmings outside the Residential Designated Collection Location.

Owner shall mean any Person, firm, corporation or other entity owning, leasing, renting, occupying, or managing any residential or commercial premises in the City.

Ownership shall mean ownership, leasing, renting, occupying, or managing any premises by any Person, firm, corporation or other entity in the City.

Person shall mean the State of Georgia or any other state agency or institution thereof, or municipality, City, political subdivision, public or Private Corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or Private Corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

Plan shall mean the 2005 Comprehensive Solid Waste Management Plan developed for Fulton County for the area previously defined as the Special Services District for the areas that has is now incorporated as the City of South Fulton, as amended prior to the effective date of this Ordinance. The Plan is hereby adopted by the City through this ordinance, and may be amended by the City from time to time.

Processing shall mean any method, system or other treatment designed to change the physical form or chemical content of Solid Waste, and includes separation from Solid Waste or other handling of Recovered Materials for Recycling.

Processing Facility shall mean a Facility whose activities include, but are not limited to, the separation and preparation of Solid Waste for reuse or Disposal or the separation and preparation of Recovered Materials or Yard Trimmings to produce a marketable commodity.

Putrescible Waste shall mean Solid Waste that is capable of being decomposed by microorganisms, including but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Quadraplex shall mean a building designed exclusively for residential occupancy by four (4) families.

Recovered Materials shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility (RMPF) shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling shall mean any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw

212 materials or products, except for mixed Municipal Solid Waste Composting.

213 Residential Designated Collection Location shall mean within six (6) feet of the curb,
214 paved surface of the public road, closest accessible public right-of-way, or other such location
215 agreed to by the Residential Service Provider for placement of the Residential Municipal Solid
216 Waste Storage Cart, the Residential Recovered Materials Storage Bin, and/or any Yard
217 Trimmings, Bulk Waste, or White Goods are placed, that will provide safe and efficient
218 accessibility to the Residential Service Provider's collection crew and vehicle.

219 Residential Municipal Solid Waste shall mean Municipal Solid Waste generated at a
220 Residential Service Unit.

221 Residential Municipal Solid Waste Storage Cart shall mean a leak-proof container with
222 attached lid and wheels that allow the automated or semi-automated Collection of Residential
223 Municipal Solid Waste that meets the specifications established by the City.

224 Residential Recovered Materials shall mean Recovered materials generated at Residential
225 Service Units that have been diverted or removed from the Residential Municipal Solid Waste
226 stream for sale, use, or recycling, whether or not requiring subsequent separation and processing.

227 Residential Recovered Materials Storage Bin shall mean a leak-proof plastic recycling
228 bin with attached lid and wheels that will allow collection of Residential Recovered Materials
229 that meets the specifications established by the City.

230 Residential Service Provider shall mean a person who has received a service agreement
231 from the City to perform the physical process of collecting, transporting, and disposing of the
232 Residential Municipal Solid Waste, Residential Recovered Materials, and White Goods, Bulk
233 Waste and/or Yard Trimmings within the City.

234 Residential Service Unit shall mean each unit or units within the following categories that
235 use single-family, residential-type waste storage containers and/or Residential Municipal Solid
236 Waste Storage Carts: Single-Family Dwellings; Duplexes; Triplexes; Quadraplexes; and Mobile
237 Homes.

238 Residential Service Fee shall mean the fee assessed on each Residential Service Unit for

collection, transportation, and disposal or processing of Residential Municipal Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard Trimmings, or other waste.

Residential Solid Waste Collection and Disposal shall mean the performance of all requirements of the Solid Waste Collection and Disposal Ordinance and other applicable laws related to Residential Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard Trimmings, as well as incidental administrative tasks related to the performance of those requirements.

Selected RSP shall mean a Residential Service Provider, as that term is defined herein, operating within the City pursuant to a service agreement with the City.

Single-Family Dwelling shall mean a building designed exclusively for residential occupancy by one (1) family.

Small Bulk Items shall mean discarded whole items such as small appliances, small furniture, and small electronic equipment under three (3) feet in any dimension and not greater than fifty (50) pounds in weight.

Solid Waste shall mean any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include Unacceptable Waste; recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Handling shall mean the storage, Collection, transportation, treatment, utilization, processing, or Disposal of Solid Waste or any combination of such activities.

Solid Waste Handling Facility shall mean any facility the primary purpose of which is the

266 storage, Collection, transportation, treatment, utilization, processing, or Disposal, or any
267 combination thereof, of Solid Waste.

268 Source Separated shall mean Recovered Materials that have been segregated from Solid
269 Waste by or for the generator thereof, on the premises at which they were generated, for handling
270 different from that of Solid Waste. This does not require that different types of recyclable
271 commodities be separated from each other.

272 Special Services shall mean Non-Curbside Collection Service, Elective Services, and
273 City-sponsored events such as special neighborhood clean-up days that produce amounts of
274 Residential Municipal Solid Waste, Residential Recovered Materials, Yard Trimmings, Bulk
275 Waste, and/or White Goods.

276 Transfer Station shall mean a facility, permitted by applicable law, used to transfer Solid
277 Waste from one Collection vehicle to another for transportation to a Disposal Facility or
278 Processing Facility.

279 Treated Wood shall mean wood that has been treated or preserved with chromated copper
280 arsenate (CCA), pentachlorophenol, or other chemicals which have been classified as known
281 human carcinogens by the United States Environmental Protection Agency.

282 Triplex shall mean a building designed exclusively for residential occupancy by three (3)
283 families.

284 Unacceptable Waste shall mean Hazardous Waste, Biomedical Waste, tires, paints, paint
285 solvents, Treated Wood, un-emptied aerosol cans, compressed gas cylinders, large engine parts,
286 small engines containing oils or fuels, chemicals, large glass panes, large tree debris, stumps,
287 ammunition of any type, dead animals larger than ten (10) pounds, firearms, and any and all
288 waste of which the acceptance and handling by a Residential Services Provider or Commercial
289 Service Provider would cause a violation of any permit condition, legal or regulatory
290 requirement, substantial damage to the Service Providers equipment or facilities, or present a
291 substantial danger to the health or safety of the public or the Service Provider's employees.

292 White Goods shall mean household appliances such as refrigerators, stoves, washers,

dryers, water heaters, and other large enameled appliances, which do not contain polychlorinated biphenyls (PCB) or chlorofluorocarbon refrigerant (CFC) and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

Yard Trimmings shall 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. The term does not include stumps, roots, shrubs with intact root balls, and specifically excludes all Treated Wood.

The definitions provided in O.C.G.A. § 12-8-22 and DNR Rule 391-3-4.01 which are not defined in this section are hereby incorporated into this Ordinance. The definitions provided in O.C.G.A. § 12-8-22 shall control to the extent they are in conflict with DNR Rule 391-3-4.01.

Sec. 6-2003: Exemptions.

- a) This Ordinance shall not apply to a Person, firm, corporation or entity disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. If such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a ten-year storm, such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity.
- b) Nothing in this Ordinance shall limit the right of any person to use poultry or other animal manure for fertilizer.
- c) Provisions of this Ordinance shall not apply to any Person not collecting and disposing of Municipal Solid Waste, Commercial Solid Waste, C&D Waste, scrap tires or Industrial Waste for a fee, but who is a holder of a valid solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources pursuant to Georgia Department of Natural Resources, Environmental Protection Rules 391-3-4-.02 and 391-3-4-.06 for disposal or onsite burial. Such disposal shall be governed by State Environmental Protection Division regulations and by the requirements of the current City development zoning

- 321 regulations.
- 322 d) Composting by Owners of Residential Service Units is expressly permitted.
- 323 e) Dead animals, Biomedical Waste, Industrial Waste and/or Hazardous Waste shall be
- 324 disposed of pursuant to state law.

325 **Sec. 6-2004- Prohibited acts.**

- 326 a) No Person, Service Provider, firm, corporation or other entity shall violate the
- 327 requirements set forth in this Ordinance.
- 328 b) No Residential Service Provider or Commercial Service Provider shall collect solid
- 329 waste in a manner which will be conducive to insect and rodent infestation or the
- 330 harboring and feeding of wild dogs or other animals; impair the air quality; impair the
- 331 quality of the ground or surface waters; impair the quality of the environment; or
- 332 likely create other hazards to the public health, safety, or well-being as defined by
- 333 Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-
- 334 04.
- 335 c) No Residential Service Provider or Commercial Service Provider shall collect Solid
- 336 Waste until all insurance requirements contained in this Ordinance have been
- 337 complied with and until certification from the carrier of such compliance satisfactory
- 338 to the City as to form and content has been filed with the City.
- 339 d) No Solid Waste may be disposed of by any Person in an open dump, nor may any
- 340 Person cause, suffer, allow or permit open dumping on his property as defined by
- 341 Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-
- 342 04.
- 343 e) It shall be a violation of this Ordinance to place or cause to be placed for collection
- 344 by a Residential Service Provider or Commercial Service Provider any acid,
- 345 explosive material, inflammable liquids or dangerous or corrosive material of any
- 346 kind.

- f) No person other than the owner thereof 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 container from the location where the container has been placed by the owner thereof.

Sec. 6-2005: Penalties.

Any person violating any provision of this Ordinance may, upon conviction be punished by a fine not to exceed \$1,000.00 for each offense and/or incarceration or community service not to exceed 60 days. Each day a violation of this Ordinance continues shall be considered a separate and distinct offense.

Sec. 6-2006: Violations and Enforcement.

- a) This Ordinance shall be enforced by City code enforcement officials, the City manager or his designee. Enforcement authority shall include the power to determine compliance with this Ordinance, to investigate complaints of violations of this Ordinance, and to pursue violations in any court of competent jurisdiction.

- b) The provisions of this Ordinance regarding the disposal or onsite burial of solid waste may be enforced by the Georgia Department of Natural Resources, Environmental Protection Division.

- c) Nothing in this Ordinance shall affect the ability of the City to pursue any remedies against a Residential, Commercial, or C&D Waste Service Provider available under local, state, or federal law.

- d) Nothing in this Ordinance shall affect the ability of the City to pursue the remedies available to it by virtue of its police powers.

Sec. 6-2007: Disposal facility fee.

A surcharge fee of \$1.00 per ton of Residential Municipal Solid Waste or Commercial Solid Waste received, collected, handled or disposed of at any private Municipal Solid Waste Disposal Facility located within the City is hereby imposed upon the operator(s) of said facilities

373 in accordance with O.C.G.A. § 12-8-39(d) and shall be paid to the City on or before December
374 31st of each year.

375 **Sec. 6-2008: Residential Municipal Solid Waste and Recovered Materials, generally.**

376 a) All Residential Municipal Solid Waste and Residential Recovered Materials from
377 Residential Service Units shall be collected by a Residential Service Provider within
378 the City pursuant to a service agreement with the City (“Selected RSP”).

379 b) Each Owner of a Residential Service Unit shall:

380 1. Dispose of Waste with Selected RSP. Each Owner of a Residential Service Unit
381 shall dispose of Residential Municipal Solid Waste, Residential Recovered
382 Materials, White Goods, Bulk Waste and/or Yard Trimmings only with the
383 Selected RSP.

384 2. Bulk Waste and White Goods Collection. It shall be the responsibility of the
385 Owner of a Residential Service Unit to ensure that prior to collection and
386 disposal, White Goods are empty of all foods and liquids, and that any CFCs
387 and PCBs have been evacuated and captured by a certified technician in
388 accordance with law, and the doors have been removed from freezers and
389 refrigerators.

390 3. Residential Recovered Materials Collection. The Owner of the Residential
391 Service Unit shall contact the Selected RSP directly to request Residential
392 Recovered Materials Collection Service, and shall be required to timely place
393 such Residential Recovered Materials at the Residential Designated Collection
394 Location for collection by the Selected RSP.

395 4. Yard Trimmings Collection. Yard Trimmings shall be placed in reusable non-
396 disposable rigid containers or compostable brown paper bags and deposited at a
397 curbside location adjacent to the originating property, but in no case shall they
398 be placed in such a position as to obstruct the sidewalks, the gutter, or the free
399 movement of traffic. All branches, limbs, and shrubbery shall be cut in lengths

of six feet or less, and no single piece shall exceed four inches in diameter and weigh no more than 100 pounds.

i. Yard Trimmings may be composted by the Owner of a Residential Service Unit on the Owner's property in accordance with the laws and regulations of the State of Georgia.

ii. This Ordinance shall not prohibit an Owner of a Residential Service Unit from Disposing of Yard Trimmings through a third party that generated the Yard Trimmings as a result of its activities at the Owners Residential Service Unit.

5. Collection Hours. Each Owner of a Residential Service Unit shall be required to place the Residential Municipal Solid Waste Storage Cart, Bulk Waste, White Goods, and Residential Recovery Materials Storage Bin at the Residential Designated Collection Location, for collection by the authorized Residential Service Provider, no earlier than 3:30 p.m. on the day prior to the day scheduled for collection. Each Owner of a Residential Service Unit shall remove the Residential Municipal Solid Waste Storage Cart and the Residential Recovered Materials Storage Bin, if applicable, no later than the next day following the collection day.

i. At the point in time when the Owner of the Residential Service Unit places Residential Municipal Solid Waste or Residential Recovered Materials at the Residential Designated Collection Location, ownership of the Residential Municipal Solid Waste and Residential Recovered Materials transfers from the Owner of the Residential Service Unit to the Selected RSP, except that ownership of Unacceptable Waste shall not transfer to the Selected RSP.

6. Elective Services. Each Owner of a Residential Service Unit shall be authorized to contract privately with a Selected RSP that has been issued the service agreement by the City for Elective Services for an additional fee to be billed by

the Selected RSP directly to the Owner.

7. Excessive Accumulation of Residential Municipal Solid Waste. Each owner of a Residential Service Unit shall prevent the continued, excessive and unsightly accumulation of Residential Municipal Solid Waste, Residential Recovered Materials, White Goods, Bulk Items and/or Yard Trimmings upon Owner's property or the public thoroughfares bounding upon Owner's property.

c) Residential Service Fee

1. Each Owner of a Residential Service Unit shall be required to pay a Residential Service Fee to the City to cover all the necessary fees in the administration and implementation of this Ordinance. The City Council shall establish the fees for Residential Solid Waste Collection and Disposal Services and Residential Recovered Materials Collection for scheduled and unscheduled collection and disposal services.
2. The Residential Service Fee shall be subject to appropriate annual adjustments, as determined by the City and as provided in the service agreement between the City and the Selected RSP(s).
3. The Residential Service Fee shall be collected by the City through the ad valorem tax statement for each Residential Service Unit in the City, but may be collected by the City through alternate lawful means as determined necessary by the City Council. The City shall include the applicable Residential Service Fee on the ad valorem tax statement for each Residential Service Unit in the City for a twelve (12)-month service period, where collected through ad valorem taxation.

d) Disabled Persons

- a. Any Disabled Person shall be provided Non-curbside Collection of Residential Municipal Solid Waste, Residential Recovered Materials, Residential Bulky Waste, White Goods, and/or Yard Trimmings provided that the Disabled Person performs the following:

- 455 i. Obtains a physician's certificate certifying such disability; and
- 456 ii. Provides the physician's certificate to the Selected RSP serving such
457 Person's Residential Service Unit with a copy to the City.
- 458 b. Non-curbside Collection is available only if all adult persons residing in the
459 Residential Service Unit are also disabled and also obtain physician's certificates
460 certifying such disability.
- 461 c. This section also applies to temporary disability not to exceed ninety (90) days.
- 462 d. Selected RSP(s) may make reasonable rules for the Non-curbside Collection of
463 Residential Municipal Solid Waste, Residential Recovered Materials, Residential
464 Bulky Waste, White Goods, and/or Yard Trimmings from Disabled Persons who
465 qualify under this Ordinance for such service.
- 466 e) No Owner of a Residential Service Unit shall violate the requirements set forth in this
467 Ordinance. Violations may be punished pursuant to Sec. 6-2005.

468 **Sec. 6-2009: Residential Service Providers.**

- 469 a.) All Residential Municipal Solid Waste, Residential Recovered Materials, Bulk Waste,
470 White Goods, and/or Yard Trimmings collected through Residential Solid Waste
471 Collection and Disposal, shall be collected and disposed or processed by the Residential
472 Service Provider selected by and having a service agreement with the City to provide
473 those services ("Selected RSP"). It shall be a violation of this Ordinance for any waste
474 service provider except a Selected RSP to provide Residential Solid Waste Collection and
475 Disposal to any Residential Service Unit in the City.
- 476 b.) The Selected RSP shall:
- 477 1. Enter into Agreement with City. The Selected RSP(s) shall enter into a service
478 agreement for Residential Solid Waste Collection and Disposal with the City to
479 provide such service in the City. As used in this Ordinance, this agreement may
480 be generally referred to as an "agreement", "service agreement" or "residential

service agreement." The Selected RSP(s) shall meet the minimum requirements required by the service agreement and this Ordinance.

2. Provide Weekly Service. The Selected RSP(s) shall provide weekly Curbside Collection services.

3. Yard Trimmings, Bulk Waste and White Goods Collection. The Selected RSP(s), at no additional charge, shall provide weekly collection of Yard Trimmings, Bulk Waste and White Goods to Residential Service Units.

4. Residential Recovered Materials Collection. The Selected RSP(s), at no additional charge, shall provide weekly collection and processing of Residential Recovered Materials (i.e. recyclable materials) to Residential Service Units. Residential Recovered Materials to be collected shall include the Residential Recovered Materials listed in Appendix I to this Ordinance.

5. Oil Collection Services. The Selected RSP(s), at no additional charge, shall offer oil disposal services.

6. Collection Hours. Except as otherwise allowed by the City, the Selected RSP(s) shall perform all collection of Solid Waste between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, or Monday through Saturday during a Holiday week. The Selected RSP(s) shall not be required to perform collection services or maintain office hours on designated Holidays.

i. At the point in time when the Owner of the Residential Service Unit places Residential Municipal Solid Waste or Residential Recovered Materials at the Residential Designated Collection Location, ownership of the Residential Municipal Solid Waste and Residential Recovered Materials transfers from the Owner of the Residential Service Unit to the Selected RSP, except that ownership of Unacceptable Waste shall not transfer to the Selected RSP.

7. Reports. Provide reports to the City as required by the service agreement and/or this Ordinance.

8. Reporting Requirements. The Selected RSP(s) will provide the City with a

monthly tonnage report that is to be delivered to the City's designated representative within ten days of the end of the month for which the data was collected. The Selected RSP(s) will maintain for a period of five (5) years, copies of weight tickets which are to be made available for City inspection. The Selected RSP(s) will also be responsible for maintaining and submitting reports on an ad hoc, monthly, and annual basis.

i. Monthly reports of the Selected RSP(s) to the City shall include the following the following information:

1. A cover letter that abstracts the report and highlights major accomplishments, problems, trends and other pertinent information for the associated month;
2. Complaints/resolution summary for the associated month;
3. Daily route sheet with attached disposal site weight ticket for the associated month;
4. Recycling station participation for the associated month;
5. Tonnage figures showing total waste tonnage collected by service type;
6. Tonnage figures showing Residential Recovered Materials collected, and proof of recycling in the form of manifest, bills of sale, or records showing adequate proof of movement of the material to a recognized recycling facility.
7. If requested by the City, proof of disposal of Residential Municipal Solid Waste at state-approved disposal facilities and the name of each such facility. The Selected RSP(s) shall maintain at its place of business books and records showing the names and addresses of all Owners of Residential Service Units to whom

- Residential Municipal Solid Waste and Residential Recovered Materials services have been provided. The Selected RSP(s) shall submit, upon reasonable request of the City, to a financial audit by a certified public accountant or auditor employed by the City. Financial information of the Selected RSP(s) shall be treated as confidential by the City. The City may request other information from the Selected RSP(s), if necessary, to comply with State solid waste reporting requirements.
- ii. Ad Hoc reports shall include the following information for each collection service (refuse, recycling, and yard trimmings).
1. Complaints/Resolution summary.
 2. Daily route sheet with attached disposal site weight ticket.
 3. Recycling participation.
 4. Route operational data form.
 5. Vehicle identification number.
 6. Daily staffing summary (including substitutions).
 7. Landfill tickets.
 8. Disposed tonnage of refuse and recyclables, itemized on a per-day basis.
- iii. The annual report should be submitted to the City no later than thirty (30) days following every twelve (12) month period of the contract and shall include a compilation of the monthly reports for the associated year.
- c.) Any Person, firm, corporation or other entity providing Residential Solid Waste

Collection and Disposal Services in the City as of the effective date of this Ordinance is prohibited from charging a fee or assessment to a Residential Service Unit for retrieval or recovery of a solid waste collection cart or bin or other fee or assessment in the event that the Person, firm, corporation or other entity must cease providing Residential Solid Waste Collection and Disposal Services as a result of this Ordinance.

- d.) No Residential Service Provider shall violate the requirements applicable to Residential Service Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

Sec. 6-2010: Commercial Solid Waste and Commercial Recovered Materials, generally.

- a.) All Commercial Establishments, businesses, and industries having Commercial Solid Waste and/or Commercial Recovered Materials must obtain Commercial Solid Waste Collection and Disposal services of a Commercial Services Provider licensed to conduct business in the City, and shall pay for the services.

- b.) All Commercial Establishments, businesses, and industries having scrap tires must obtain disposal services of such scrap tire from a Commercial Services Provider licensed to conduct business in the City, and shall pay for the service.

- c.) Yard Trimmings.

1. The Owner of a Commercial Establishment may contract privately with a Commercial Service Provider to collect and dispose of Yard Trimmings.
2. All Yard Trimmings shall be segregated from Commercial Solid Waste and Commercial Recovered Materials.
3. Yard Trimmings shall be placed in sturdy paper bags suitable for containing Yard Trimmings, excluding plastic bags, or shall be bundled for collection and disposal or processing.
4. This Ordinance shall not prohibit an Owner of a Commercial Establishment from disposing of Yard Trimmings through a third party that generated the Yard Trimmings as a result of the third party's activities at the Commercial Establishment.

d.) No Owner of a Commercial Establishment, Person, firm, corporation or other entity having solid waste shall violate the requirements applicable to Commercial Service Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

e.) This Section shall not displace a contract currently in existence and effect as of the passage of this Ordinance between a Commercial Services Provider and a Commercial Establishment within the City pursuant to O.C.G.A. § 36-80-22 or any other applicable Georgia law.

Sec. 6-2011: Commercial Service Providers.

a) Authorization. A Person, firm, corporation or other entity shall be a Commercial Service Provider upon the City's approval of such Person, firm, corporation or other entity's proposal for authorization to provide Solid Waste Collection and Disposal services in the City.

1. A Person, firm, corporation, or other entity's proposal for authorization shall be submitted to the City in a form prescribed by the City's request for proposals.

2. The City shall only approve proposals found to be in the City's best interest which demonstrate compliance with the minimum requirements of this Ordinance and any requirements included in the City's request for proposals.

3. Authorization to provide Commercial Solid Waste Collection and Disposal services shall be granted for a period of up to one (1) calendar year.

4. Authorization to provide Commercial Solid Waste Collection and Disposal services constitutes the right to collect Commercial Solid Waste within the City. Multiple companies may be so authorized provided the requirements of this Ordinance are met.

5. Authorization to provide Commercial Solid Waste Collection and Disposal service in the City is nontransferable.

6. Upon authorization, the Commercial Service Provider shall maintain at its place of business books and records showing the Owners, business name and address of

each Commercial Establishment that the Commercial Service Provider has contracted with for Commercial Solid Waste Collection and Disposal Services, including the street address for each property served. The Commercial Service Provider shall, upon request by the City, make such books and records available for inspection and/or submit to a financial audit by a certified public accountant or auditor employed by the City.

b) Regulatory Fee. Each Commercial Services Provider shall be required to pay a regulatory fee to the City to cover all the necessary fees in the administration and implementation of this Ordinance and state law. The City Council shall establish and amend the fees for regulatory fee by resolution and shall be subject to appropriate annual adjustments, as determined by the City. The regulatory fee shall be due and payable to the City at the time of submission of the reports described in this Section.

c) Reporting Requirements. Within thirty (30) days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation, each Commercial Service Provider authorized to provide Solid Waste Collection and Disposal service in the City shall submit to the City reports of Commercial Solid Waste Collection and Disposal services showing the following:

1. Gross collection revenues and average number of customers during quarter by service type.
2. Tonnage figures showing total waste tonnage collected by service type.
3. Tonnage figures showing total Recovered Materials collected by type, and proof of recycling in the form of manifests, bills of sale, or other records showing adequate proof of delivery of the material to a recognized recycling facility.
4. Proof of disposal of non-recovered materials at state approved disposal facilities and name of each such facility
5. Such other information as required by the City in the City's discretion.

d) No Commercial Service Provider shall violate the requirements applicable to Commercial Service Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

e) This Section shall not displace a contract currently in existence and effect as of the passage of this Ordinance between a Commercial Services Provider and a Commercial Establishment within the City pursuant to O.C.G.A. § 36-80-22 or any other applicable Georgia law.

Sec. 6-2012: Construction and Demolition (C&D) Waste, generally.

a.) C&D Waste shall be segregated from Residential Municipal Solid Waste and Commercial Solid Waste.

b.) All Residential Service Units and Commercial Establishments, businesses, and industries having C&D Waste shall obtain C&D Waste Collection and Disposal services of a C&D Waste Services Provider licensed to conduct business in the City, and shall pay for the services.

c.) A Residential Service Provider may collect and dispose of C&D Waste provided that the Residential Service Provider is authorized as a C&D Waste Service Provider pursuant to this Ordinance. A Commercial Service Provider may collect and dispose of C&D Waste provided that the Commercial Service Provider is authorized as a C&D Waste Service Provider pursuant to this Ordinance.

d.) Neither the City Public Works Department nor the Department of Health and Wellness shall be responsible for collecting, hauling, or disposing of C&D Waste originating from private property preliminary to, during, or prior to the construction of new, remodeled, or renovated structures. The owner, lessee, tenant or occupant of the property shall cause for the removal of such items.

e.) The City, through the City Building Inspector or his or her designee, shall not issue a certificate of occupancy for multifamily, commercial, or industrial developments until all C&D Waste is removed by the owner or contractor.

f.) No Person, firm, corporation or other entity having C&D Waste shall violate the

requirements applicable to C&D Waste Service Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005 in addition to any penalty provided in this Section.

Sec. 6-2013: C&D Waste Service Providers.

a) Authorization. A Person, firm, corporation or other entity shall be a C&D Waste Service Provider upon the City's approval of the Person, firm, corporation or other entity's proposal for authorization to provide C&D Waste services in the City.

1. A Person, corporation, firm or other entity's proposal for authorization shall be submitted to the City in a form prescribed by the City's request for proposals.

2. The City shall only approve proposals demonstrating compliance with the minimum requirements of this Ordinance and any requirements included in the City's formal request for proposals.

3. Authorization to provide C&D Waste Collection and Disposal services shall be granted for a period of one calendar year from January 1 to December 31.

4. Nothing in this Ordinance shall limit the number of C&D Waste Service Providers within the City.

5. Authorization to provide C&D Waste Collection and Disposal services constitutes the right to collect C&D waste within the City. Multiple companies may be so authorized provided the requirements of this Ordinance are met.

6. Authorization to provide C&D Waste Collection and Disposal service in the City is nontransferable.

7. Upon authorization, the C&D Waste Service Provider shall maintain at its place of business books and records showing the Owner, business name, and address of each Commercial Establishment and/or the Owner and address of

each Residential Service Unit that the C&D Waste Service Provider has privately contracted with for C&D Waste Collection and Disposal services, including the street address for each property served. The Commercial Service Provider shall, upon request by the City, make such books and records available to the City for inspection and/or submit to a financial audit by a certified public accountant or auditor employed by the City.

b) Regulatory Fee. Each C&D Waste Service Provider shall be required to pay a regulatory fee to the City to cover all the necessary fees in the administration and implementation of this Ordinance and state law. The City Council shall establish and amend the fees for regulatory fee by resolution and shall be subject to appropriate annual adjustments, as determined by the City. The regulatory fee shall be due and payable to the City at the time of submission of the reports described in this Section.

c) Reporting Requirements. Within thirty (30) days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation, each C&D Waste Service Provider authorized to provide C&D Waste Collection and Disposal service in the City shall submit to the City reports, showing the following:

1. Gross collection revenues and average number of customers during quarter by service type.
2. Tonnage figures showing total waste tonnage collected by service type.
3. Such other information as required by the City in the City's discretion.

d) No C&D Waste Service Provider shall violate the requirements set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

Sec. 6-2014: Minimum requirements for all service providers operating in City.

a.) All Commercial, Residential, and C&D Waste Service Providers and their subcontractors shall, at all times:

1. Satisfy all requirements and qualifications imposed by the City, any service agreement, and this Ordinance.
2. Comply with the Occupational Safety and Health Act of 1970 (“OSHA”), and any other applicable laws.
3. Be able to provide, at the City’s request, a notarized statement certifying that all drivers have a current commercial driver's license (CDL) and all trucks are registered with the Georgia Department of Transportation.
4. Apply all usual and customary risk management practices accepted by the Waste Service Providers industry.
5. Have a current solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or any successor agency authorized to issue permits pursuant to O.C.G.A. § 12-8-24.
6. The City may require a Performance Bond or Irrevocable, Direct Pay Letter of Credit to be approved by the City conditioned upon the true and faithful performance of the service agreement in an amount satisfactory to the City. The City may draw on the Service Provider’s Performance Bond or Letter of Credit as necessary for such new Service Provider and services.
7. Maintain, at its own expense, appropriate and adequate insurance policies generally as follows:
 - i. Statutory workers' compensation insurance:
 1. \$1,000,000 each Bodily Injury by Accident.
 2. \$1,000,000 policy limit Bodily Injury by Disease.
 3. \$1,000,000 each occurrence Bodily Injury by Disease.
 - ii. Commercial general liability insurance:
 1. \$2,500,000 limit of liability per occurrence for bodily injury and property damage.

2. \$2,500,000 limit of liability per occurrence for personal injury.

3. The following additional coverage must apply:

a. Commercial general liability written on an occurrence form, which includes contractual liability, broad form property damage, incidental medical malpractice, severability of interest, and extended bodily injury.

i. Additional insured endorsement which includes ongoing operations and completed operations.

iii. Auto liability insurance

1. \$3,000,000 limit of liability per occurrence for bodily injury and property damage.

2. Comprehensive form covering all owned, non-owned, leased, hired, and borrowed vehicles used in providing Collection Services.

3. Coverage for cleanup of pollutants due to an accident, including MCS-90 endorsement for pollution liability coverage.

iv. The City may establish other requirements regarding insurance for Service Providers operating in the City to the extent it deems necessary and in the best interests of the public.

Appendix I

Residential Recovered Materials

1. Aluminum

- 796 2. Cardboard
797 3. Glass
798 4. Junk mail
799 5. Kraft paper
800 6. Magazines and shopping catalogues
801 7. Mixed paper
802 8. Newspaper
803 9. Other paper
804 10. Paperboard
805 11. Plastics #1: Soda and water bottles
806 12. Plastics #2: Milk jugs, juice bottles, and yogurt tubs
807 13. Plastics #3: Detergent and household cleaner containers, shampoo, and cooking
808 14. Plastics #4: Squeezable bottles
809 15. Plastics #5: Syrup, ketchup, and medicine bottles, plastic caps, straws, and some yogurt
810 containers
811 16. Plastics #6: Disposable plates and cups, gg cartons, aspirin bottles, and CD cases
812 17. Plastics #7: Three and five-gallon water bottles, certain food containers
813 18. Steel

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Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,

sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

THIS ORDINANCE so adopted this _____ day of _____ 2019.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

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The foregoing Ordinance No. 2019-_____ was moved for approval by Councilmember _____ . The motion _____ was seconded by Councilmember _____ , and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL WORK SESSION



SUBJECT: Council Discussion on Amending Sanitation Ordinance

DATE OF MEETING: 10/22/2019

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Amending Sanitation Ordinance	Cover Memo	10/16/2019

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4
5
6

7 **AN ORDINANCE TO AMEND TITLE 6, HEALTH AND SANITATION, OF THE CITY**
8 **CODE ENHANCING SOLID WASTE OPERATIONS, CAUSING FOR THE**
9 **COLLECTION, DISPOSAL, AND RECYCLING OF SOLID WASTE BY SERVICE**
10 **PROVIDERS THROUGHOUT DESIGNATED CITY ZONES AND FOR OTHER**
11 **LAWFUL PURPOSES**
12

13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly organized
14 and existing under the laws of the State of Georgia;
15

16 **WHEREAS**, the duly elected legislative authority of the City is the Mayor and Council
17 thereof (“City Council”);
18

19 **WHEREAS**, pursuant to O.C.G.A. § 36-35-3 and City Charter Section 3.10(b), the City
20 Council is authorized to adopt ordinances it deems necessary, expedient, or helpful for the
21 health, welfare, sanitation, comfort, and well-being of the inhabitants of the City;
22

23 **WHEREAS**, the City finds that amending its solid waste collection, disposal, and
24 recycling ordinance will serve to promote safety, sanitation, reliable waste collection service,
25 protection of the environment and City streets and roads;
26

27 **WHEREAS**, the City further finds that amending its ordinances as set forth herein helps
28 the City to effectively address challenges and concerns identified within its solid waste
29 management planning process;
30

31 **WHEREAS**, pursuant to Article IX, Section II, Paragraph I (a) and III (a) (2) of the
32 Georgia Constitution and controlling Georgia law, the City is authorized to enter into one or
33 more service agreements with a private company or companies to provide Residential Solid
34 Waste Collection and Disposal Services, Processing of Residential Recovered Materials,
35 Recycling and related solid waste services to residents of City; and
36

37 **WHEREAS**, the City finds it to be in the public interest and for the health, welfare,
38 sanitation, comfort, and well-being of the City and its inhabitants to adopt the regulations herein
39 regarding the processing of solid waste within the City.
40

41 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as**
42 **follows:**
43

Section 1: Chapter 2 of Title 6, Health and Sanitation, of the City of South Fulton Code of Ordinances is hereby deleted in its entirety and replaced with a new Chapter 2, which shall read as follows:

TITLE 6, HEALTH AND SANITATION

CHAPTER 2: SOLID WASTE

Sec. 6-2001: Short title.

This Chapter shall be known as the City of South Fulton Solid Waste Ordinance.

Sec. 6-2002: Definitions.

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

Biomedical Waste shall mean pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment all parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-.15 as such rule existed as of the effective date of this Ordinance, and other such waste materials.

Bulk Waste shall mean discarded items that are larger than three (3) feet in any dimension, and/or heavier than fifty (50) pounds in weight, and therefore too large to be collected in Residential Municipal Solid Waste Collection Carts, including but not limited to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, and other similar items.

Collect or Collection shall mean to remove Residential Solid Waste, Residential Recovered Materials, or Commercial Solid Waste for transport to a disposal or processing facility, or cause such to be removed.

Collection Services shall mean the Collection from a Residential Unit or from a

Commercial Establishment of Municipal Solid Waste, and Residential Recovered Materials including related transportation, transfer processing and/or disposal.

Commercial Establishment shall mean any hotel, motel, apartment dwelling consisting of more than four (4) units, business, public or semi-public building or premises of any nature or kind whatsoever other than a Residential Service Unit.

Commercial Container shall mean a dumpster or similar waste receptacle supplied by a Commercial Service Provider.

Commercial Recovered Materials shall mean Recovered Materials generated at a Commercial Establishment.

Commercial Service Provider shall mean a Person, firm, corporation or other entity granted authorization by the City to engage in Commercial Solid Waste Collection and Disposal within the City who, under written agreement for compensation by those receiving services, does the work of collecting, transporting, and disposing and/or processing of Commercial Solid Waste and Commercial Recovered Materials.

Commercial Solid Waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential, industrial, C&D, and hazardous wastes.

Commercial Solid Waste Collection and Disposal shall mean the performance of collecting, transporting, and disposing and/or processing of Commercial Solid Waste and Commercial Recovered Materials in accordance with all requirements of the Solid Waste Collection and Disposal Services Ordinance and other applicable laws related to commercial solid waste, commercial recovered materials, as well as incidental administrative tasks related to the performance of those requirements.

Composting shall mean the controlled biological decomposition of organic matter into stable, odor-free humus.

Construction and Demolition Waste (C&D Waste) shall mean waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations of

103 pavements, houses, commercial buildings and other structures. Such waste includes, but is not
104 limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard,
105 carpeting, inert waste landfill material, and other non-putrescible waste, which have a low
106 potential for groundwater contamination.

107 C&D Waste Service Provider shall mean a Person, firm, corporation or other entity
108 granted authorization by the City to engage in C&D Waste Collection and Disposal within the
109 City who, under written agreement for compensation by those receiving services, does the work
110 of collecting, transporting, and disposing of C&D Waste.

111 C&D Waste Collection and Disposal shall mean the performance of collecting,
112 transporting, and disposing of C&D Waste, in accordance with all requirements of the Solid
113 Waste Collection and Disposal Services Ordinance and other applicable laws related to C&D
114 Waste, as well as incidental administrative tasks related to the performance of those
115 requirements.

116 City shall mean City of South Fulton, Georgia.

117 Disabled Person shall mean an Owner of a Residential Service Unit who is disabled to
118 the extent that he or she is incapable of placing his or her Residential Municipal Solid Waste,
119 Storage Cart, Residential Recovered Materials, Storage Bin, White Goods, Bulk Waste and/or
120 Yard Trimmings at the Residential Designated Collection Location for Collection by the
121 Residential Service Provider, such that he or she satisfies this Ordinance.

122 Disposal shall mean dumping or depositing of solid waste into or onto a disposal facility.

123 Disposal Facility shall mean a sanitary landfill or other solid waste disposal facility
124 permitted by the Georgia Department of Natural Resources, Environmental Protection Division
125 and/or other applicable regulatory agency with jurisdiction and where the final deposition of
126 solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment
127 technology facilities.

128
129 Duplex shall mean a building designed exclusively for residential occupancy by two (2)
130 families.

Elective Services shall mean collection services offered by a Residential Service Provider for an additional charge which are arranged between the Residential Service Provider and a Residential Service Unit and billed for separately by the Residential Services Provider.

Garbage shall mean food waste, including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. Garbage does not include Unacceptable Waste.

Hazardous Waste shall mean any Solid Waste which has been defined as a hazardous waste in regulations promulgated by the United States Environmental Protection Agency or under Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 *et seq.*

Industrial Waste shall mean Solid Waste generated by manufacturing or industrial processes or operations that is not a Hazardous Waste. Industrial Waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generations; fertilizer and agriculture chemicals; food-related products and byproducts; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals, plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment, and water treatment. This term does not include mining waste or oil and gas waste.

Landfill shall mean an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile..

Mobile Home shall mean a mobile or manufactured home, receiving residential type collection.

Multi-Family Dwelling shall mean a building designed exclusively for residential occupancy by more than one family, except for Duplex, Triplex, and Quadraplex units.

Municipal Solid Waste shall mean any solid waste derived from households including garbage, trash, and sanitary waste in septic tanks and means solid waste from, single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day

use recreation areas. The term includes Yard Trimmings and Commercial Solid Waste, but does not include Construction and Demolition Waste and solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Composting shall mean composting of the typical mixed Solid Waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

Municipal Solid Waste Disposal Facility shall mean any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities.

New Customer shall mean any Owner of a newly-constructed Residential Service Unit or newly-constructed commercial establishment.

Non-Curbside Collection shall mean Collection of Residential Municipal Solid Waste, Residential Recovered Materials, Residential Bulk Waste, White Goods, and/or Yard Trimmings outside the Residential Designated Collection Location.

Owner shall mean any Person, firm, corporation or other entity owning, leasing, renting, occupying, or managing any residential or commercial premises in the City.

Ownership shall mean ownership, leasing, renting, occupying, or managing any premises by any Person, firm, corporation or other entity in the City.

Person shall mean the State of Georgia or any other state agency or institution thereof, or municipality, City, political subdivision, public or Private Corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or Private Corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

Plan shall mean the 2005 Comprehensive Solid Waste Management Plan developed for Fulton County for the area previously defined as the Special Services District for the areas that has is now incorporated as the City of South Fulton, as amended prior to the effective date of this Ordinance. The Plan is hereby adopted by the City through this ordinance, and may be amended by the City from time to time.

Processing shall mean any method, system or other treatment designed to change the physical form or chemical content of Solid Waste, and includes separation from Solid Waste or other handling of Recovered Materials for Recycling.

Processing Facility shall mean a Facility whose activities include, but are not limited to, the separation and preparation of Solid Waste for reuse or Disposal or the separation and preparation of Recovered Materials or Yard Trimmings to produce a marketable commodity.

Putrescible Waste shall mean Solid Waste that is capable of being decomposed by microorganisms, including but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Quadraplex shall mean a building designed exclusively for residential occupancy by four (4) families.

Recovered Materials shall mean those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility (RMPF) shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling shall mean any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw

212 materials or products, except for mixed Municipal Solid Waste Composting.

213 Residential Designated Collection Location shall mean within six (6) feet of the curb,
214 paved surface of the public road, closest accessible public right-of-way, or other such location
215 agreed to by the Residential Service Provider for placement of the Residential Municipal Solid
216 Waste Storage Cart, the Residential Recovered Materials Storage Bin, and/or any Yard
217 Trimmings, Bulk Waste, or White Goods are placed, that will provide safe and efficient
218 accessibility to the Residential Service Provider's collection crew and vehicle.

219 Residential Municipal Solid Waste shall mean Municipal Solid Waste generated at a
220 Residential Service Unit.

221 Residential Municipal Solid Waste Storage Cart shall mean a leak-proof container with
222 attached lid and wheels that allow the automated or semi-automated Collection of Residential
223 Municipal Solid Waste that meets the specifications established by the City.

224 Residential Recovered Materials shall mean Recovered materials generated at Residential
225 Service Units that have been diverted or removed from the Residential Municipal Solid Waste
226 stream for sale, use, or recycling, whether or not requiring subsequent separation and processing.

227 Residential Recovered Materials Storage Bin shall mean a leak-proof plastic recycling
228 bin with attached lid and wheels that will allow collection of Residential Recovered Materials
229 that meets the specifications established by the City.

230 Residential Service Provider shall mean a person who has received a service agreement
231 from the City to perform the physical process of collecting, transporting, and disposing of the
232 Residential Municipal Solid Waste, Residential Recovered Materials, and White Goods, Bulk
233 Waste and/or Yard Trimmings within the City.

234 Residential Service Unit shall mean each unit or units within the following categories that
235 use single-family, residential-type waste storage containers and/or Residential Municipal Solid
236 Waste Storage Carts: Single-Family Dwellings; Duplexes; Triplexes; Quadraplexes; and Mobile
237 Homes.

238 Residential Service Fee shall mean the fee assessed on each Residential Service Unit for

collection, transportation, and disposal or processing of Residential Municipal Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard Trimmings, or other waste.

Residential Solid Waste Collection and Disposal shall mean the performance of all requirements of the Solid Waste Collection and Disposal Ordinance and other applicable laws related to Residential Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard Trimmings, as well as incidental administrative tasks related to the performance of those requirements.

Selected RSP shall mean a Residential Service Provider, as that term is defined herein, operating within the City pursuant to a service agreement with the City.

Single-Family Dwelling shall mean a building designed exclusively for residential occupancy by one (1) family.

Small Bulk Items shall mean discarded whole items such as small appliances, small furniture, and small electronic equipment under three (3) feet in any dimension and not greater than fifty (50) pounds in weight.

Solid Waste shall mean any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include Unacceptable Waste; recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Handling shall mean the storage, Collection, transportation, treatment, utilization, processing, or Disposal of Solid Waste or any combination of such activities.

Solid Waste Handling Facility shall mean any facility the primary purpose of which is the

266 storage, Collection, transportation, treatment, utilization, processing, or Disposal, or any
267 combination thereof, of Solid Waste.

268 Source Separated shall mean Recovered Materials that have been segregated from Solid
269 Waste by or for the generator thereof, on the premises at which they were generated, for handling
270 different from that of Solid Waste. This does not require that different types of recyclable
271 commodities be separated from each other.

272 Special Services shall mean Non-Curbside Collection Service, Elective Services, and
273 City-sponsored events such as special neighborhood clean-up days that produce amounts of
274 Residential Municipal Solid Waste, Residential Recovered Materials, Yard Trimmings, Bulk
275 Waste, and/or White Goods.

276 Transfer Station shall mean a facility, permitted by applicable law, used to transfer Solid
277 Waste from one Collection vehicle to another for transportation to a Disposal Facility or
278 Processing Facility.

279 Treated Wood shall mean wood that has been treated or preserved with chromated copper
280 arsenate (CCA), pentachlorophenol, or other chemicals which have been classified as known
281 human carcinogens by the United States Environmental Protection Agency.

282 Triplex shall mean a building designed exclusively for residential occupancy by three (3)
283 families.

284 Unacceptable Waste shall mean Hazardous Waste, Biomedical Waste, tires, paints, paint
285 solvents, Treated Wood, un-emptied aerosol cans, compressed gas cylinders, large engine parts,
286 small engines containing oils or fuels, chemicals, large glass panes, large tree debris, stumps,
287 ammunition of any type, dead animals larger than ten (10) pounds, firearms, and any and all
288 waste of which the acceptance and handling by a Residential Services Provider or Commercial
289 Service Provider would cause a violation of any permit condition, legal or regulatory
290 requirement, substantial damage to the Service Providers equipment or facilities, or present a
291 substantial danger to the health or safety of the public or the Service Provider's employees.

292 White Goods shall mean household appliances such as refrigerators, stoves, washers,

dryers, water heaters, and other large enameled appliances, which do not contain polychlorinated biphenyls (PCB) or chlorofluorocarbon refrigerant (CFC) and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

Yard Trimmings shall 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. The term does not include stumps, roots, shrubs with intact root balls, and specifically excludes all Treated Wood.

The definitions provided in O.C.G.A. § 12-8-22 and DNR Rule 391-3-4.01 which are not defined in this section are hereby incorporated into this Ordinance. The definitions provided in O.C.G.A. § 12-8-22 shall control to the extent they are in conflict with DNR Rule 391-3-4.01.

Sec. 6-2003: Exemptions.

- a) This Ordinance shall not apply to a Person, firm, corporation or entity disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. If such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a ten-year storm, such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity.
- b) Nothing in this Ordinance shall limit the right of any person to use poultry or other animal manure for fertilizer.
- c) Provisions of this Ordinance shall not apply to any Person not collecting and disposing of Municipal Solid Waste, Commercial Solid Waste, C&D Waste, scrap tires or Industrial Waste for a fee, but who is a holder of a valid solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources pursuant to Georgia Department of Natural Resources, Environmental Protection Rules 391-3-4-.02 and 391-3-4-.06 for disposal or onsite burial. Such disposal shall be governed by State Environmental Protection Division regulations and by the requirements of the current City development zoning

- 321 regulations.
- 322 d) Composting by Owners of Residential Service Units is expressly permitted.
- 323 e) Dead animals, Biomedical Waste, Industrial Waste and/or Hazardous Waste shall be
324 disposed of pursuant to state law.
- 325 **Sec. 6-2004- Prohibited acts.**
- 326 a) No Person, Service Provider, firm, corporation or other entity shall violate the
327 requirements set forth in this Ordinance.
- 328 b) No Residential Service Provider or Commercial Service Provider shall collect solid
329 waste in a manner which will be conducive to insect and rodent infestation or the
330 harboring and feeding of wild dogs or other animals; impair the air quality; impair the
331 quality of the ground or surface waters; impair the quality of the environment; or
332 likely create other hazards to the public health, safety, or well-being as defined by
333 Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-
334 04.
- 335 c) No Residential Service Provider or Commercial Service Provider shall collect Solid
336 Waste until all insurance requirements contained in this Ordinance have been
337 complied with and until certification from the carrier of such compliance satisfactory
338 to the City as to form and content has been filed with the City.
- 339 d) No Solid Waste may be disposed of by any Person in an open dump, nor may any
340 Person cause, suffer, allow or permit open dumping on his property as defined by
341 Georgia Department of Natural Resources, Environmental Protection Rule 391-3-4-
342 04.
- 343 e) It shall be a violation of this Ordinance to place or cause to be placed for collection
344 by a Residential Service Provider or Commercial Service Provider any acid,
345 explosive material, inflammable liquids or dangerous or corrosive material of any
346 kind.

- f) No person other than the owner thereof 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 container from the location where the container has been placed by the owner thereof.

Sec. 6-2005: Penalties.

Any person violating any provision of this Ordinance may, upon conviction be punished by a fine not to exceed \$1,000.00 for each offense and/or incarceration or community service not to exceed 60 days. Each day a violation of this Ordinance continues shall be considered a separate and distinct offense.

Sec. 6-2006: Violations and Enforcement.

- a) This Ordinance shall be enforced by City code enforcement officials, the City manager or his designee. Enforcement authority shall include the power to determine compliance with this Ordinance, to investigate complaints of violations of this Ordinance, and to pursue violations in any court of competent jurisdiction.

- b) The provisions of this Ordinance regarding the disposal or onsite burial of solid waste may be enforced by the Georgia Department of Natural Resources, Environmental Protection Division.

- c) Nothing in this Ordinance shall affect the ability of the City to pursue any remedies against a Residential, Commercial, or C&D Waste Service Provider available under local, state, or federal law.

- d) Nothing in this Ordinance shall affect the ability of the City to pursue the remedies available to it by virtue of its police powers.

Sec. 6-2007: Disposal facility fee.

A surcharge fee of \$1.00 per ton of Residential Municipal Solid Waste or Commercial Solid Waste received, collected, handled or disposed of at any private Municipal Solid Waste Disposal Facility located within the City is hereby imposed upon the operator(s) of said facilities

373 in accordance with O.C.G.A. § 12-8-39(d) and shall be paid to the City on or before December
374 31st of each year.

375 **Sec. 6-2008: Residential Municipal Solid Waste and Recovered Materials, generally.**

376 a) All Residential Municipal Solid Waste and Residential Recovered Materials from
377 Residential Service Units shall be collected by Residential Service Providers within
378 the City pursuant to a service agreement with the City (“Selected RSP”).

379 b) *Zones.* The City shall be divided into up to seven zones, with each Residential
380 Service Providers being assigned to provide services within a separate zone.

381 c) Each Owner of a Residential Service Unit shall:

382 1. Dispose of Waste with Selected RSP. Each Owner of a Residential Service Unit
383 shall dispose of Residential Municipal Solid Waste, Residential Recovered
384 Materials, White Goods, Bulk Waste and/or Yard Trimmings only with the
385 Selected RSP.

386 2. Bulk Waste and White Goods Collection. It shall be the responsibility of the
387 Owner of a Residential Service Unit to ensure that prior to collection and
388 disposal, White Goods are empty of all foods and liquids, and that any CFCs
389 and PCBs have been evacuated and captured by a certified technician in
390 accordance with law, and the doors have been removed from freezers and
391 refrigerators.

392 3. Residential Recovered Materials Collection. The Owner of the Residential
393 Service Unit shall contact the Selected RSP directly to request Residential
394 Recovered Materials Collection Service, and shall be required to timely place
395 such Residential Recovered Materials at the Residential Designated Collection
396 Location for collection by the Selected RSP.

397 4. Yard Trimmings Collection. Yard Trimmings shall be placed in reusable non-
398 disposable rigid containers or compostable brown paper bags and deposited at a
399 curbside location adjacent to the originating property, but in no case shall they

400 be placed in such a position as to obstruct the sidewalks, the gutter, or the free
401 movement of traffic. All branches, limbs, and shrubbery shall be cut in lengths
402 of six feet or less, and no single piece shall exceed four inches in diameter and
403 weigh no more than 100 pounds.

404 i. Yard Trimmings may be composted by the Owner of a Residential
405 Service Unit on the Owner's property in accordance with the laws and
406 regulations of the State of Georgia.

407 ii. This Ordinance shall not prohibit an Owner of a Residential Service
408 Unit from Disposing of Yard Trimmings through a third party that
409 generated the Yard Trimmings as a result of its activities at the Owners
410 Residential Service Unit.

411 5. Collection Hours. Each Owner of a Residential Service Unit shall be required to
412 place the Residential Municipal Solid Waste Storage Cart, Bulk Waste, White
413 Goods, and Residential Recovery Materials Storage Bin at the Residential
414 Designated Collection Location, for collection by the authorized Residential
415 Service Provider, no earlier than 3:30 p.m. on the day prior to the day scheduled
416 for collection. Each Owner of a Residential Service Unit shall remove the
417 Residential Municipal Solid Waste Storage Cart and the Residential Recovered
418 Materials Storage Bin, if applicable, no later than the next day following the
419 collection day.

420 i. At the point in time when the Owner of the Residential Service Unit
421 places Residential Municipal Solid Waste or Residential Recovered
422 Materials at the Residential Designated Collection Location, ownership
423 of the Residential Municipal Solid Waste and Residential Recovered
424 Materials transfers from the Owner of the Residential Service Unit to the
425 Selected RSP, except that ownership of Unacceptable Waste shall not
426 transfer to the Selected RSP.

427 6. Elective Services. Each Owner of a Residential Service Unit shall be authorized

to contract privately with a Selected RSP that has been issued the service agreement by the City for Elective Services for an additional fee to be billed by the Selected RSP directly to the Owner.

7. Excessive Accumulation of Residential Municipal Solid Waste. Each owner of a Residential Service Unit shall prevent the continued, excessive and unsightly accumulation of Residential Municipal Solid Waste, Residential Recovered Materials, White Goods, Bulk Items and/or Yard Trimmings upon Owner's property or the public thoroughfares bounding upon Owner's property.

d) Residential Service Fee

1. Each Owner of a Residential Service Unit shall be required to pay a Residential Service Fee to the City to cover all the necessary fees in the administration and implementation of this Ordinance. The City Council shall establish the fees for Residential Solid Waste Collection and Disposal Services and Residential Recovered Materials Collection for scheduled and unscheduled collection and disposal services.
2. The Residential Service Fee shall be subject to appropriate annual adjustments, as determined by the City and as provided in the service agreement between the City and the Selected RSP(s).
3. The Residential Service Fee shall be collected by the City through the ad valorem tax statement for each Residential Service Unit in the City, but may be collected by the City through alternate lawful means as determined necessary by the City Council. The City shall include the applicable Residential Service Fee on the ad valorem tax statement for each Residential Service Unit in the City for a twelve (12)-month service period, where collected through ad valorem taxation.

e) Disabled Persons

- a. Any Disabled Person shall be provided Non-curbside Collection of Residential Municipal Solid Waste, Residential Recovered Materials, Residential Bulky Waste, White Goods, and/or Yard Trimmings provided that the Disabled Person

performs the following:

i. Obtains a physician's certificate certifying such disability; and

ii. Provides the physician's certificate to the Selected RSP serving such Person's Residential Service Unit with a copy to the City.

b. Non-curbside Collection is available only if all adult persons residing in the Residential Service Unit are also disabled and also obtain physician's certificates certifying such disability.

c. This section also applies to temporary disability not to exceed ninety (90) days.

d. Selected RSP(s) may make reasonable rules for the Non-curbside Collection of Residential Municipal Solid Waste, Residential Recovered Materials, Residential Bulky Waste, White Goods, and/or Yard Trimmings from Disabled Persons who qualify under this Ordinance for such service.

f) No Owner of a Residential Service Unit shall violate the requirements set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005.

Sec. 6-2009: Residential Service Providers.

a.) All Residential Municipal Solid Waste, Residential Recovered Materials, Bulk Waste, White Goods, and/or Yard Trimmings collected through Residential Solid Waste Collection and Disposal, shall be collected and disposed or processed by the Residential Service Provider selected by and having a service agreement with the City to provide those services ("Selected RSP"). It shall be a violation of this Ordinance for any waste service provider except a Selected RSP to provide Residential Solid Waste Collection and Disposal to any Residential Service Unit in the City.

b.) The Selected RSP shall:

1. Enter into Agreement with City. The Selected RSP(s) shall enter into a service agreement for Residential Solid Waste Collection and Disposal with the City to provide such service in the City. As used in this Ordinance, this agreement may

be generally referred to as an “agreement”, "service agreement" or "residential service agreement." The Selected RSP(s) shall meet the minimum requirements required by the service agreement and this Ordinance.

2. Provide Weekly Service. The Selected RSP(s) shall provide weekly Curbside Collection services.

3. Yard Trimmings, Bulk Waste and White Goods Collection. The Selected RSP(s), at no additional charge, shall provide weekly collection of Yard Trimmings, Bulk Waste and White Goods to Residential Service Units.

4. Residential Recovered Materials Collection. The Selected RSP(s), at no additional charge, shall provide weekly collection and processing of Residential Recovered Materials (i.e. recyclable materials) to Residential Service Units. Residential Recovered Materials to be collected shall include the Residential Recovered Materials listed in Appendix I to this Ordinance.

5. Oil Collection Services. The Selected RSP(s), at no additional charge, shall offer oil disposal services.

6. Collection Hours. Except as otherwise allowed by the City, the Selected RSP(s) shall perform all collection of Solid Waste between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, or Monday through Saturday during a Holiday week. The Selected RSP(s) shall not be required to perform collection services or maintain office hours on designated Holidays.

i. At the point in time when the Owner of the Residential Service Unit places Residential Municipal Solid Waste or Residential Recovered Materials at the Residential Designated Collection Location, ownership of the Residential Municipal Solid Waste and Residential Recovered Materials transfers from the Owner of the Residential Service Unit to the Selected RSP, except that ownership of Unacceptable Waste shall not transfer to the Selected RSP.

7. Reports. Provide reports to the City as required by the service agreement and/or this Ordinance.

511 8. Reporting Requirements. The Selected RSP(s) will provide the City with a
512 monthly tonnage report that is to be delivered to the City's designated
513 representative within ten days of the end of the month for which the data was
514 collected. The Selected RSP(s) will maintain for a period of five (5) years, copies
515 of weight tickets which are to be made available for City inspection. The Selected
516 RSP(s) will also be responsible for maintaining and submitting reports on an ad
517 hoc, monthly, and annual basis.

518 i. Monthly reports of the Selected RSP(s) to the City shall include the
519 following the following information:

520 1. A cover letter that abstracts the report and highlights major
521 accomplishments, problems, trends and other pertinent information
522 for the associated month;

523
524 2. Complaints/resolution summary for the associated month;

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526 3. Daily route sheet with attached disposal site weight ticket for the
527 associated month;

528
529 4. Recycling station participation for the associated month;

530
531 5. Tonnage figures showing total waste tonnage collected by service
532 type;

533
534 6. Tonnage figures showing Residential Recovered Materials
535 collected, and proof of recycling in the form of manifest, bills of
536 sale, or records showing adequate proof of movement of the
537 material to a recognized recycling facility.

538
539 7. If requested by the City, proof of disposal of Residential
540 Municipal Solid Waste at state-approved disposal facilities and the
541 name of each such facility. The Selected RSP(s) shall maintain at
542 its place of business books and records showing the names and

addresses of all Owners of Residential Service Units to whom Residential Municipal Solid Waste and Residential Recovered Materials services have been provided. The Selected RSP(s) shall submit, upon reasonable request of the City, to a financial audit by a certified public accountant or auditor employed by the City. Financial information of the Selected RSP(s) shall be treated as confidential by the City. The City may request other information from the Selected RSP(s), if necessary, to comply with State solid waste reporting requirements.

ii. Ad Hoc reports shall include the following information for each collection service (refuse, recycling, and yard trimmings).

1. Complaints/Resolution summary.
2. Daily route sheet with attached disposal site weight ticket.
3. Recycling participation.
4. Route operational data form.
5. Vehicle identification number.
6. Daily staffing summary (including substitutions).
7. Landfill tickets.
8. Disposed tonnage of refuse and recyclables, itemized on a per-day basis.

iii. The annual report should be submitted to the City no later than thirty (30) days following every twelve (12) month period of the contract and shall include a compilation of the monthly reports for the associated year.

577
578 c.) Any Person, firm, corporation or other entity providing Residential Solid Waste
579 Collection and Disposal Services in the City as of the effective date of this Ordinance is
580 prohibited from charging a fee or assessment to a Residential Service Unit for retrieval or
581 recovery of a solid waste collection cart or bin or other fee or assessment in the event that
582 the Person, firm, corporation or other entity must cease providing Residential Solid
583 Waste Collection and Disposal Services as a result of this Ordinance.

584 d.) No Residential Service Provider shall violate the requirements applicable to Residential
585 Service Providers set forth in this Ordinance. Violations may be punished pursuant to
586 Sec. 6-2005.

587 **Sec. 6-2010: Commercial Solid Waste and Commercial Recovered Materials, generally.**

588 a.) All Commercial Establishments, businesses, and industries having Commercial Solid
589 Waste and/or Commercial Recovered Materials must obtain Commercial Solid Waste
590 Collection and Disposal services of a Commercial Services Provider licensed to conduct
591 business in the City, and shall pay for the services.

592 b.) All Commercial Establishments, businesses, and industries having scrap tires must obtain
593 disposal services of such scrap tire from a Commercial Services Provider licensed to
594 conduct business in the City, and shall pay for the service.

595 c.) Yard Trimmings.

596 1. The Owner of a Commercial Establishment may contract privately with a
597 Commercial Service Provider to collect and dispose of Yard Trimmings.

598 2. All Yard Trimmings shall be segregated from Commercial Solid Waste and
599 Commercial Recovered Materials.

600 3. Yard Trimmings shall be placed in sturdy paper bags suitable for containing Yard
601 Trimmings, excluding plastic bags, or shall be bundled for collection and disposal
602 or processing.

603 4. This Ordinance shall not prohibit an Owner of a Commercial Establishment from
604 disposing of Yard Trimmings through a third party that generated the Yard

605 Trimmings as a result of the third party's activities at the Commercial
606 Establishment.

607 d.) No Owner of a Commercial Establishment, Person, firm, corporation or other entity
608 having solid waste shall violate the requirements applicable to Commercial Service
609 Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-
610 2005.

611 e.) This Section shall not displace a contract currently in existence and effect as of the
612 passage of this Ordinance between a Commercial Services Provider and a Commercial
613 Establishment within the City pursuant to O.C.G.A. § 36-80-22 or any other applicable
614 Georgia law.

615 **Sec. 6-2011: Commercial Service Providers.**
616

617 a) Authorization. A Person, firm, corporation or other entity shall be a Commercial
618 Service Provider upon the City's approval of such Person, firm, corporation or other
619 entity's proposal for authorization to provide Solid Waste Collection and Disposal
620 services in the City.

621 1. A Person, firm, corporation, or other entity's proposal for authorization shall be
622 submitted to the City in a form prescribed by the City's request for proposals.

623 2. The City shall only approve proposals found to be in the City's best interest which
624 demonstrate compliance with the minimum requirements of this Ordinance and
625 any requirements included in the City's request for proposals.

626 3. Authorization to provide Commercial Solid Waste Collection and Disposal
627 services shall be granted for a period of up to one (1) calendar year.

628 4. Authorization to provide Commercial Solid Waste Collection and Disposal
629 services constitutes the right to collect Commercial Solid Waste within the City.
630 Multiple companies may be so authorized provided the requirements of this
631 Ordinance are met.

632 5. Authorization to provide Commercial Solid Waste Collection and Disposal
633 service in the City is nontransferable.

6. Upon authorization, the Commercial Service Provider shall maintain at its place of business books and records showing the Owners, business name and address of each Commercial Establishment that the Commercial Service Provider has contracted with for Commercial Solid Waste Collection and Disposal Services, including the street address for each property served. The Commercial Service Provider shall, upon request by the City, make such books and records available for inspection and/or submit to a financial audit by a certified public accountant or auditor employed by the City.

b) Regulatory Fee. Each Commercial Services Provider shall be required to pay a regulatory fee to the City to cover all the necessary fees in the administration and implementation of this Ordinance and state law. The City Council shall establish and amend the fees for regulatory fee by resolution and shall be subject to appropriate annual adjustments, as determined by the City. The regulatory fee shall be due and payable to the City at the time of submission of the reports described in this Section.

c) Reporting Requirements. Within thirty (30) days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation, each Commercial Service Provider authorized to provide Solid Waste Collection and Disposal service in the City shall submit to the City reports of Commercial Solid Waste Collection and Disposal services showing the following:

1. Gross collection revenues and average number of customers during quarter by service type.
2. Tonnage figures showing total waste tonnage collected by service type.
3. Tonnage figures showing total Recovered Materials collected by type, and proof of recycling in the form of manifests, bills of sale, or other records showing adequate proof of delivery of the material to a recognized recycling facility.
4. Proof of disposal of non-recovered materials at state approved disposal

662 facilities and name of each such facility

663 5. Such other information as required by the City in the City's discretion.

664 d) No Commercial Service Provider shall violate the requirements applicable to
665 Commercial Service Providers set forth in this Ordinance. Violations may be
666 punished pursuant to Sec. 6-2005.

667 e) This Section shall not displace a contract currently in existence and effect as of the
668 passage of this Ordinance between a Commercial Services Provider and a
669 Commercial Establishment within the City pursuant to O.C.G.A. § 36-80-22 or any
670 other applicable Georgia law.

671 **Sec. 6-2012: Construction and Demolition (C&D) Waste, generally.**

672 a.) C&D Waste shall be segregated from Residential Municipal Solid Waste and
673 Commercial Solid Waste.

674 b.) All Residential Service Units and Commercial Establishments, businesses, and industries
675 having C&D Waste shall obtain C&D Waste Collection and Disposal services of a C&D
676 Waste Services Provider licensed to conduct business in the City, and shall pay for the
677 services.

678 c.) A Residential Service Provider may collect and dispose of C&D Waste provided that the
679 Residential Service Provider is authorized as a C&D Waste Service Provider pursuant to
680 this Ordinance. A Commercial Service Provider may collect and dispose of C&D Waste
681 provided that the Commercial Service Provider is authorized as a C&D Waste Service
682 Provider pursuant to this Ordinance.

683 d.) Neither the City Public Works Department nor the Department of Health and Wellness
684 shall be responsible for collecting, hauling, or disposing of C&D Waste originating from
685 private property preliminary to, during, or prior to the construction of new, remodeled, or
686 renovated structures. The owner, lessee, tenant or occupant of the property shall cause for
687 the removal of such items.

e.) The City, through the City Building Inspector or his or her designee, shall not issue a certificate of occupancy for multifamily, commercial, or industrial developments until all C&D Waste is removed by the owner or contractor.

f.) No Person, firm, corporation or other entity having C&D Waste shall violate the requirements applicable to C&D Waste Service Providers set forth in this Ordinance. Violations may be punished pursuant to Sec. 6-2005 in addition to any penalty provided in this Section.

Sec. 6-2013: C&D Waste Service Providers.

a) Authorization. A Person, firm, corporation or other entity shall be a C&D Waste Service Provider upon the City's approval of the Person, firm, corporation or other entity's proposal for authorization to provide C&D Waste services in the City.

1. A Person, corporation, firm or other entity's proposal for authorization shall be submitted to the City in a form prescribed by the City's request for proposals.

2. The City shall only approve proposals demonstrating compliance with the minimum requirements of this Ordinance and any requirements included in the City's formal request for proposals.

3. Authorization to provide C&D Waste Collection and Disposal services shall be granted for a period of one calendar year from January 1 to December 31.

4. Nothing in this Ordinance shall limit the number of C&D Waste Service Providers within the City.

5. Authorization to provide C&D Waste Collection and Disposal services constitutes the right to collect C&D waste within the City. Multiple companies may be so authorized provided the requirements of this Ordinance are met.

6. Authorization to provide C&D Waste Collection and Disposal service in the

715 City is nontransferable.

716 7. Upon authorization, the C&D Waste Service Provider shall maintain at its
717 place of business books and records showing the Owner, business name, and
718 address of each Commercial Establishment and/or the Owner and address of
719 each Residential Service Unit that the C&D Waste Service Provider has
720 privately contracted with for C&D Waste Collection and Disposal services,
721 including the street address for each property served. The Commercial
722 Service Provider shall, upon request by the City, make such books and
723 records available to the City for inspection and/or submit to a financial audit
724 by a certified public accountant or auditor employed by the City.

725 b) Regulatory Fee. Each C&D Waste Service Provider shall be required to pay a
726 regulatory fee to the City to cover all the necessary fees in the administration and
727 implementation of this Ordinance and state law. The City Council shall establish
728 and amend the fees for regulatory fee by resolution and shall be subject to
729 appropriate annual adjustments, as determined by the City. The regulatory fee shall
730 be due and payable to the City at the time of submission of the reports described in
731 this Section.

732 c) Reporting Requirements. Within thirty (30) days following the close of each calendar
733 quarter ending March 31, June 30, September 30, and December 31 of each year of
734 operation, each C&D Waste Service Provider authorized to provide C&D Waste
735 Collection and Disposal service in the City shall submit to the City reports, showing
736 the following:

- 737 1. Gross collection revenues and average number of customers during quarter by
738 service type.
- 739 2. Tonnage figures showing total waste tonnage collected by service type.
- 740 3. Such other information as required by the City in the City's discretion.

741 d) No C&D Waste Service Provider shall violate the requirements set forth in this
742 Ordinance. Violations may be punished pursuant to Sec. 6-2005.

Sec. 6-2014: Minimum requirements for all service providers operating in City.

a.) All Commercial, Residential, and C&D Waste Service Providers and their subcontractors shall, at all times:

1. Satisfy all requirements and qualifications imposed by the City, any service agreement, and this Ordinance.
2. Comply with the Occupational Safety and Health Act of 1970 (“OSHA”), and any other applicable laws.
3. Be able to provide, at the City’s request, a notarized statement certifying that all drivers have a current commercial driver's license (CDL) and all trucks are registered with the Georgia Department of Transportation.
4. Apply all usual and customary risk management practices accepted by the Waste Service Providers industry.
5. Have a current solid waste handling permit from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources or any successor agency authorized to issue permits pursuant to O.C.G.A. § 12-8-24.
6. The City may require a Performance Bond or Irrevocable, Direct Pay Letter of Credit to be approved by the City conditioned upon the true and faithful performance of the service agreement in an amount satisfactory to the City. The City may draw on the Service Provider’s Performance Bond or Letter of Credit as necessary for such new Service Provider and services.
7. Maintain, at its own expense, appropriate and adequate insurance policies generally as follows:
 - i. Statutory workers' compensation insurance:
 1. \$1,000,000 each Bodily Injury by Accident.
 2. \$1,000,000 policy limit Bodily Injury by Disease.
 3. \$1,000,000 each occurrence Bodily Injury by Disease.

771 ii. Commercial general liability insurance:

772 1. \$2,500,000 limit of liability per occurrence for bodily injury and
773 property damage.

774 2. \$2,500,000 limit of liability per occurrence for personal injury.

775 3. The following additional coverage must apply:

776 a. Commercial general liability written on an occurrence
777 form, which includes contractual liability, broad form
778 property damage, incidental medical malpractice,
779 severability of interest, and extended bodily injury.

780 i. Additional insured endorsement which includes
781 ongoing operations and completed operations.

782 iii. Auto liability insurance

783 1. \$3,000,000 limit of liability per occurrence for bodily injury and
784 property damage.

785 2. Comprehensive form covering all owned, non-owned, leased,
786 hired, and borrowed vehicles used in providing Collection
787 Services.

788 3. Coverage for cleanup of pollutants due to an accident, including
789 MCS-90 endorsement for pollution liability coverage.

790 iv. The City may establish other requirements regarding insurance for Service
791 Providers operating in the City to the extent it deems necessary and in the
792 best interests of the public.

793 *****

794 **Appendix I**

Residential Recovered Materials

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1. Aluminum
2. Cardboard
3. Glass
4. Junk mail
5. Kraft paper
6. Magazines and shopping catalogues
7. Mixed paper
8. Newspaper
9. Other paper
10. Paperboard
11. Plastics #1: Soda and water bottles
12. Plastics #2: Milk jugs, juice bottles, and yogurt tubs
13. Plastics #3: Detergent and household cleaner containers, shampoo, and cooking
14. Plastics #4: Squeezable bottles
15. Plastics #5: Syrup, ketchup, and medicine bottles, plastic caps, straws, and some yogurt
containers
16. Plastics #6: Disposable plates and cups, gg cartons, aspirin bottles, and CD cases
17. Plastics #7: Three and five-gallon water bottles, certain food containers
18. Steel

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Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

821 upon their enactment, believed by the City Council to be fully valid, enforceable and
822 constitutional.

823 (b) To the greatest extent allowed by law, each and every section, paragraph,
824 sentence, clause or phrase of this Ordinance is severable from every other section,
825 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
826 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
827 section, paragraph, sentence, clause or phrase of this Resolution.

828 (c) In the event that any phrase, clause, sentence, paragraph or section of this
829 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
830 otherwise unenforceable by the valid judgment or decree of any court of competent
831 jurisdiction, it is the express intent of the City Council that such invalidity,
832 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
833 render invalid, unconstitutional or otherwise unenforceable any of the remaining
834 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

835
836 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly
837 repealed.

838
839 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized
840 to make non-substantive formatting and renumbering edits to this ordinance for
841 proofing, codification, and supplementation purposes. The final version of all
842 ordinances shall be filed with the clerk.

843
844 **Section 5.** The effective date of this Ordinance shall be on the date as set forth
845 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
846 and/or federal law.

THIS ORDINANCE so adopted this _____ day of _____ 2019.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

911 The foregoing Ordinance No. 2019-_____ was moved for approval by Councilmember
912 _____. The motion was seconded by Councilmember
913 _____, and being put to a vote, the result was as
914 follows:

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916			
917		AYE	NAY
918			
919	William "Bill" Edwards, Mayor	_____	_____
920	Mark Baker, Mayor Pro Tem	_____	_____
921	Catherine Foster Rowell	_____	_____
922	Carmalitha Lizandra Gumbs	_____	_____
923	Helen Zenobia Willis	_____	_____
924	Gertrude Naeema Gilyard	_____	_____
925	Rosie Jackson	_____	_____
926	khalid kamau	_____	_____

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