

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**

5
6 **AN ORDINANCE TO REVISE CHAPTER 60 (SOLID WASTE), ARTICLE 2 (SOLID**
7 **WASTE COLLECTION AND DISPOSAL) SECTION 60-2-1 (DEFINITIONS), SECTION**
8 **60-2-2 (CARTS; CURBSIDE SERVICE), SECTION 60-2-3 (STORING OF REFUSE),**
9 **SECTION 60-2-4 (DISPOSAL OF RUBBISH), SECTION 60-2-5 (COLLECTION OF**
10 **RUBBISH; DISPOSAL OF BUILDING MATERIAL), SECTION 60-2-6 (PERSONNEL**
11 **NOT TO ENTER BUILDINGS; TIPPING PROHIBITED), SECTION 60-2-7**
12 **(MULTIFAMILY DWELLINGS), SECTION 6-2-8 (LITTERING AND OFFENSIVE**
13 **ACCUMULATIONS), SECTION 60-2-9 (USE OF CITY RECEPTACLES), SECTION 60-**
14 **2-10 (TRANSPORTING OF GARBAGE, ETC), SECTION 60-2-11 (TYPES OF GARBAGE**
15 **PROHIBITED), SECTION 60-2-12 (SANITARY FEES), AND SECTION 60-2-13**
16 **(COMMERCIAL CONTAINERS) OF THE CODE OF ORDINANCES, CITY OF**
17 **HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF SOLID WASTE;**
18 **TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
19 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
20 **PURPOSES.**

21
22 **WHEREAS**, the mayor and council shall have full power and authority to provide for the
23 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
24 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

25
26 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
27 all powers of the City shall be vested in the mayor and council. The mayor and council shall be
28 the legislative body of the City; and,

29
30 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
31 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
32 remain effective until they have been repealed, modified or amended; and,

33
34 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
35 amending such provisions by specific reference to the section number of the City’s Code; and,

36
37 **WHEREAS**, every official act of the mayor and council which is to become law shall be
38 by ordinance; and,

39
40 **WHEREAS**, the governing authority of the City finds it desirable to provide for the
41 regulation of solid waste collection and to make updates regarding the same.

42
43 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
44 **THE CITY OF HAPEVILLE, GEORGIA THAT:**

46 **Section One.** Chapter 60 (Solid Waste), Article 2 (Solid Waste Collection and Disposal),
47 Section 60-2-1 (Definitions), Section 60-2-2 (Carts; curbside service), Section 60-2-3 (Storing of
48 refuse), Section 60-2-4 (Disposal of rubbish), Section 60-2-5 (Collection of rubbish; disposal of
49 building material), Section 60-2-6 (Personnel not to enter buildings; tipping prohibited), Section
50 60-2-7 (Multifamily dwellings), Section 6-2-8 (Littering and offensive accumulations), Section
51 60-2-9 (Use of city receptacles), Section 60-2-10 (Transporting of garbage, etc), Section 60-2-11
52 (Types of garbage prohibited), Section 60-2-12 (Sanitary fees), and Section 60-2-13 (Commercial
53 containers) of the City Code of Ordinances is hereby amended by striking said sections in their
54 entirety and replacing them with the following language and titles:

55 **Sec. 60-2-1. - Definitions.**

56 For the purpose of this chapter,

57

58 *Carts* shall mean a receptacle approved for the collection of garbage and trash.

59

60 *Garbage* shall mean every refuse accumulation of animal, fruit or vegetable matter
61 attending the preparation, use, cooking and dealing in, or storage of means, fish, fowl, fruits,
62 vegetables or grains.

63

64 *Trash* shall mean all small discarded materials from around the premises which can be
65 deposited in the approved containers for collection without hindrance to the normal collection
66 service provided.

67

68 *Rubbish* shall mean all grass cuttings, leaves, flowers, limbs, branches, shrubbery, pruning
69 of fruit or shade trees thereof from improved property.

70

71 **Sec. 60-2-2. - Carts; curbside service.**

72

73 (a) Each household, apartment, store, shop, restaurant, hotel, boardinghouse or other
74 commercial establishment shall have sufficient carts that are approved for the waste collection
75 service to receive and collect all garbage, trash and recyclables. Collection service may be
76 refused and suspended until sufficient approved carts are obtained.

77

78 (b) The regulation of when carts shall be placed curbside for collection will be detailed in the
79 “Solid Waste Collection Plan” provided by the City and kept with the City Clerk. This plan
80 shall be updated on a yearly basis. Failure to comply with the “Solid Waste Collection Plan”
81 may result in collection service being suspended or a citation being issued.

82

83 **Sec. 60-2-3. - Storing of refuse.**

84

85 All garbage must be thoroughly drained of all liquid matter and well-wrapped in paper or placed
86 in a plastic garbage bag tied at the top before being deposited in the carts.

87

88 **Sec. 60-2-4. - Disposal of rubbish.**

89

90 (a) Disposal and collection of rubbish, such as hedge clippings, shrubbery clippings, tree
91 branches and limbs shall be properly bagged, secured and properly placed for collection per
92 the “Solid Waste Collection Plan”. All rubbish that is not properly bagged, secured and
93 properly placed will not be collected and the originator may be subject to a citation.

94

95 **Sec. 60-2-5. - Collection of rubbish; disposal of building material.**

96 The city or the city approved waste hauler shall not be responsible for the collecting and hauling
97 of rubbish, trash, discarded building material, dirt, rock, plaster, metal or other like material
98 originating from private property preliminary to, during or subsequent to the construction,
99 reconstruction, renovation, repair or other modification of buildings of whatsoever type. The
100 material shall be removed by the owner of the property or the contractor. No certificate of
101 occupancy or other inspection approving said improvements shall be issued or completed until the
102 aforesaid material is removed by the owner or contractor. Before dirt, rock, plaster or other
103 discarded building materials may be deposited on private property, permission of the owner thereof
104 must be obtained. The sole burden and responsibility for such removal shall remain with the owner,
105 lessee, tenant or other occupant of such property.

106

107 **Sec. 60-2-6. - Personnel not to enter buildings; tipping prohibited.**

108

109 Garbage and refuse collection personnel are not permitted to enter houses and buildings for the
110 collection of refuse.

111

112 **Sec. 60-2-7. - Multifamily dwellings.**

113

114 In cases where the owner of a building having two or more tenants furnishes janitorial service for
115 such dwelling units including the placing of containers at a central collection point, it shall be the
116 duty of the janitor or other person charged by the owner with this responsibility to perform such
117 service in compliance with this chapter; however, this shall not relieve the occupants of such
118 dwelling units from their responsibility under sections 60-2-2 and 60-2-3. Where two or more
119 dwelling units in any building or other premises are occupied and where the aforesaid janitorial
120 services are not furnished, or in any case where the placing of containers for collection does not
121 clearly indicate the premises from which they came, the occupants of such dwelling units shall
122 plainly mark their containers for identification of ownership. This may be accomplished by
123 marking the container with the name, or the house or dwelling unit number in which the owner
124 resides.

125

126 **Sec. 60-2-8. - Littering and offensive accumulations.**

127

128 (a) *Littering prohibited.* No person shall throw or deposit, or cause to be thrown or deposited,
129 upon the streets, sidewalks, lanes or alleys, or into any storm sewer, catch basin, gutter or
130 drainage ditch, any paper, garbage or other waste matter. No person shall deposit on, bury in,
131 or cause to be deposited on, or buried in any land, public square, street, alley, lane, vacant or
132 occupied lot, or into any lake or watercourse, any noxious filth, odorous or offensive liquid,

133 solid material or garbage, or to place or keep such material within the limits of this city except
134 in standard approved garbage receptacles from which regular collections are to be made.
135

136 (b) *Violation deemed offense.* Any person who throws or places or causes to be thrown or placed,
137 or leaves in such a way that is likely to fall, be blown or tracked onto rights-of-way of any
138 public street, highway, or other public property of the city any trash, paper, garbage can,
139 bottles, debris, litter, nails, tacks, glass, crockery, scrap iron, wire or other like materials of an
140 offensive nature, shall be guilty of an offense under this section.

141 (c) *Rolling a yard.* Any person who shall commit the act on private property of what is
142 commonly called "rolling a yard" shall be deemed prima facie to have violated this section
143 and shall be punishable as provided in subsection (d) below.
144

145 (d) *Penalty for violation.* Any person who shall be convicted under this section shall be punished
146 by a fine not to exceed \$1,000.00 or imprisonment not to exceed 30 days, or both.
147

148 **Sec. 60-2-9. - Use of carts.**

149
150 No person, other than employees of the city or the employees of the city approved waste hauler
151 charged with such duty, shall move, molest, burn or interfere with any refuse carts or their contents
152 or any other waste material set out for collection, unless authorized by the director of community
153 services.
154

155 **Sec. 60-2-10. - Transporting of garbage, etc.**

156
157 No person, corporation or agent shall convey or cause to be conveyed upon the public streets,
158 alleys or lanes any garbage, trash, rubbish or other materials of a like nature except when such
159 material is secured in such manner to prevent the material from falling or being blown from such
160 vehicle while in transit.
161

162 **Sec. 60-2-11. - Types of garbage prohibited.**

163
164 No person, corporation or agent shall place or cause to be placed with material to be collected any
165 acid, corrosive or explosive material, inflammable liquids or any other dangerous material of any
166 kind. The city will not be responsible for the collection of such material or its disposal.
167

168 **Sec. 60-2-12. - Sanitary fees.**

169
170 Sanitary fees shall be established and outlined in the "Solid Waste Collection Plan" that can be
171 found with the City Clerk.
172

173 **Sec. 60-2-13. - Commercial collection**

174
175 (a) *Definitions.* For purposes of this section, the following words and phrases shall have the
176 meanings respectively ascribed to them. When consistent with the context, words used in the
177 present tense include the future; words in the plural number include singular number and
178 words in the singular number include the plural number. The word "shall" is always mandatory
179 and not merely directory.

180 *Commercial container.* A manufactured container suitable for emptying by mechanical
181 equipment and approved by the community service director.

182 *Commercial establishment.* Any hotel, motel, business, industrial, public, or semipublic
183 establishment of any nature or kind whatsoever other than a residential unit.

184 *Non-exclusive contract* shall mean a contract for a certain period of time granted by the city
185 with a private waste hauler pursuant to this chapter to permit the non-exclusive collection
186 and disposal of solid waste materials and byproducts including but not limited to recyclable
187 materials.

188 *Recyclable materials.* Any approved recyclable materials listed in “Solid Waste Collection
189 Plan” kept with the City Clerk.

190 *Waste hauler* shall mean a company, business, establishment or individual that is
191 contracted with or by the City of Hapeville to enter the City, use its infrastructure in order to
192 carry out their business to collect solid waste, recyclables and other waste items and to then
193 dispose of them at an appropriate, approved and registered facility doing business in the
194 State of Georgia.
195

196 (b) *Collection of commercial refuse generally.*

197 The city is authorized to enter into a private non-exclusive contract for solid waste services
198 for purposes of collecting and disposing of garbage, refuse, recyclable materials, yard
199 trimmings, bulky trash, hazardous waste, and biochemical waste.

200 (1) No person, business establishment or entity shall practice or engage in the collection or
201 disposal of solid waste and/or recyclable materials without first having an executed
202 agreement with the city granting permission to perform such service. After the initial
203 startup agreement, each agreement after that shall have a term of no longer than one
204 calendar year, beginning on January 1 and terminating on December 31 of that same year.
205 Renewals shall be for a period of one year and said applications shall be submitted to the
206 community services director. Upon expiration of the city’s existing exclusive commercial
207 solid waste contract, no private waste hauler may execute agreements with businesses for
208 a period of one calendar year after the expiration date or without approval from the
209 Community Services Director.

210 (2) All commercial refuse accumulated in the city shall be collected, conveyed and disposed
211 of by an authorized waste hauler approved by the city. Each refuse contract held between
212 an individual business establishment and a city approved waste hauler on the date of the
213 adoption of this section shall be made available to the city upon request of the community
214 services director. The contract termination date and other pertinent information shall be
215 sent to the community services department, who will add the business name, location,
216 phone number, and the owner and manager's name to the city's list of commercial
217 sanitation customers. The City reserves the right to provide commercial collections
218 service after the initial term or contract.

- 219 (3) The community service director shall be authorized to adopt and promulgate reasonable
220 rules and regulations concerning commercial refuse collection, conveyance and disposal
221 which is further detailed in the "Solid Waste Collection Plan". However, such rules and
222 regulations shall not be contrary to anything in this article but shall be supplementary
223 thereto.
- 224 (4) The waste hauler(s) authorized by the city will collect commercial refuse in accordance
225 with the rules and regulations established and outlined in the "Solid Waste Collection
226 Plan" kept on file in the community service department and the office of the city clerk.
227 At a minimum, each commercial business/customer shall be provided basic refuse pickup
228 of once a week.
- 229 (5) At no time shall the level of service provided by any waste hauler for commercial waste
230 be such that waste and /or recyclable materials overflow the container for which it is to
231 be disposed or create any odors that would otherwise be deemed a public nuisance from
232 the inability to properly collect said materials in a timely manner consistent with the
233 disposal rate of any such business establishment.
- 234 (6) Commercial refuse shall be stored in garbage containers as approved by the community
235 service director. Each commercial customer is responsible for maintaining the receptacle
236 in good condition.
- 237 (7) The waste hauler approved by the city shall have clearly identifiable markings on each
238 garbage container. The telephone contact number on the container shall be the same
239 number found on the customer's invoice. At a minimum, the haulers name, haulers
240 telephone contact number and the city's logo will be painted or otherwise affixed on the
241 container for the collection service. The waste hauler shall take necessary steps to prevent
242 spilling waste on the streets. Failure to comply may result in the agreement not being
243 renewed.
- 244 (8) The waste hauler shall submit to the city a quarterly report including but not limited to
245 customer accounts, customer revenue collected, customer addressing, tonnage of waste
246 and recyclables collected.
- 247 (9) The waste hauler shall provide a recycling collection and disposal program for
248 recyclable materials.
- 249 (10) The community services department is hereby authorized to levy fees for all approved
250 waste haulers that have an executed agreement with the city. Those fees shall be
251 established and outlined in the "Solid Waste Collection Plan".
- 252 (c) *Certain matter not to be placed in containers.* Dead animals, feces, explosives, dangerous
253 and corrosive materials, clothing taken from persons with infectious diseases, heavy metals,
254 or any substance deemed to be a hazardous or toxic waste by any agency of the state or federal
255 government shall not be placed in any trash or garbage receptacle. Produce, meats, poultry,
256 and food preparation oils shall be placed in sealed bags prior to being placed in any trash or
257 garbage receptacle in such a manner as to minimize noxious or offensive odors emanating
258 therefrom.
- 259 (d) *Doors and lids to be kept closed.* Except when trash or garbage is being loaded into
260 containers, or pickup of the same is being affected, all doors for screening, doors, or lids of
261 containers shall be kept closed.

- 262 (e) *Inspection.* Community Services, and code enforcement shall have the power to enter at
263 reasonable times upon private or public property for the purpose of inspecting and
264 investigating conditions relating to the enforcement of the provisions of this section.
- 265 (f) *Penalties for violations.* The penalties for any violation of this section will be as stated in
266 section 1-1-8 of this Code.

267 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
268 and certified in a manner consistent with the laws of the State of Georgia and the City.

269 **Section Three. Severability.**

270
271
272 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
273 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
274 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

275
276 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
277 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
278 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
279 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
280 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
281 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
282 Ordinance.

283
284 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
285 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
286 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
287 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
288 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
289 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
290 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
291 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
292 effect.

293
294 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
295 in conflict herewith are hereby expressly repealed.

296
297 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of
298 adoption unless otherwise stated herein.

299
300 **ORDAINED** this _____ day of _____, 2019.

301 **CITY OF HAPEVILLE, GEORGIA**

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Alan Hallman, Mayor

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ATTEST:

City Clerk

APPROVED BY:

City Attorney

DRAFT