

ORDINANCE NO. 2020-001

AN ORDINANCE FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD GARBAGE, YARD WASTE, AND OTHER WASTE; TO REPEAL AND REPLACE ANY PRIOR ORDINANCES RELATING TO SAME; AND FOR OTHER PURPOSES.

WHEREAS, under Section 1.12 of the Charter of the City of Patterson, the City has the general authority to enact regulations to protect the general health, safety, and welfare of the citizens of Patterson;

WHEREAS, the City of Patterson desires to repeal and replace any existing Waste Disposal Ordinance to provide updated regulations relating to household garbage, yard waste, and other waste;

NOW THEREFORE, the City Council of Patterson hereby ordains:

SECTION 1: Definitions

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

Collection means the work of collecting or transporting solid waste from industries, offices, retail outlets, businesses, institutions, or similar locations, or from residential dwellings; provided, however, that this definition shall not include an individual collecting or transporting waste from such person's single-family dwelling unit.

Disposal facility means any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.

Disposal operation means the performance of solid waste disposal, including administration, personnel, land, equipment, design, and other elements necessary or used in the work of solid waste disposal.

Disposal site means the location or land area where the final disposition of solid waste occurs.

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

Hazardous waste means solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material determined to be a likely hazard to the public health, safety or environment, except radioactive waste materials as provided for in rules of the Georgia Department of Human Resources, Chapter 270-5-20, entitled "Radioactive Materials."

Industrial waste means waste materials generated in industrial operations.

Open dump means a disposal site at which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create environmental pollution or nuisance.

Putrescible wastes means wastes that are capable of being decomposed by microorganisms, including kitchen wastes, manure, offal, hatchery and poultry wastes, and garbage.

Reclamation means a controlled method of sorting and storing solid wastes for future use in accordance with an approved plan.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid commercial and industrial wastes.

Rubbish means non-putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, wood, glass, bedding, crockery, and similar materials.

Sanitary landfilling means a method of disposing of putrescible waste or hazardous waste on land by placing an earth cover thereon.

Scavenge means uncontrolled picking from discarded waste materials.

Solid waste means putrescible and non-putrescible wastes, except body wastes, including garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, residue from incineration, food-processing wastes, construction wastes, hazardous wastes, and any other waste material in a solid or semi-solid state not otherwise defined in this article.

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposing of solid wastes, or any combination thereof.

Storm debris means waste generated by a natural disaster i.e., hurricane, tropical storm, tornado, etc.

Transfer station means a facility used to transfer solid wastes from one transportation vehicle to another for transportation to a disposal facility.

Yard waste means leaves, pine straw, limbs, grass or cuttings from bushes.

SECTION 2: Purpose

The purpose of the rules and regulations contained in this article is to provide for the protection of the public health by prescribing the manner of storage, collection, transportation, and disposal of residential and industrial waste, rubbish, garbage, and refuse.

SECTION 3: Enforcement

In general .

The superintendent of public works shall be responsible for the administration and enforcement of this article. In the exercise of such solid waste management duties, the superintendent shall:

- (1) Supervise the collection of solid waste, including the operation and maintenance of equipment and the supervision of personnel;
- (2) Establish collection schedules in accordance with the provisions of this article;
- (3) Supervise the operation and maintenance disposal sites or facilities; and
- (4) Inspect and regulate the operations of private collectors and private transportation and disposal systems to ensure that such operations are in compliance with the provisions of this article.

SECTION 4: Limitations of authority.

All regulatory actions of the superintendent of public works shall be subject to the review of the council.

SECTION 5 Appeal.

Any person aggrieved by a requirement of, or a fee charged by, the superintendent of public works shall have the right to appeal to the council, which body may upon hearing, confirm, modify, or revoke such requirement or fee.

SECTION 6: Pre-collection.

- 1) In general.
 - a. No person shall keep or store solid waste outside of any residence or building within the city, except in proper containers for collection or otherwise prepared, as set forth herein or under the express prior approval of public works. Any unauthorized accumulation of solid waste is hereby declared a nuisance and is prohibited. The superintendent of public works by written notice shall notify the owner or occupant of any premises with such solid waste accumulation to remove same. Failure to remove such accumulation within 14 days of the date of such written notice to do so shall be deemed a violation of these regulations and subject to penalties set forth in this Code. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.
 - b. Containers. All residential and some small commercial customers will utilize a 96-gallon roll-out container. These containers will be provided to every residence and some small commercial customers on a one-time basis. If a container is removed from the residential or small commercial location the replacement container will be paid for by the occupant or owner of the residential or commercial location.

2) Preparation.

- a. Garbage and rubbish shall be drained of excess liquids before being placed for collection.
- b. All rubbish shall be placed at the curbside or alleyway for collection, do not place in roadway.
- c. Roll-out containers shall be placed at the curbside, or alleyway for collection, do not place in roadway.
- d. Yard waste shall be placed at the curbside or alleyway for collection not in roadway. Limbs or cuttings when placed in bundles shall be stacked uniformly and shall not be over six (6) feet in length and no more than six (6) inches in diameter.
- e. Trees, large bushes or shrubbery that are trimmed by anyone other than a resident where left for pickup or by commercial trimmers or tree surgeons, are not to be picked up by the city. All persons other than residents trimming or cutting trees, large bushes or shrubbery shall be responsible for disposing of the residue of trees, bushes or shrubbery that are trimmed. Items placed curb side by a lawn service as part of general yard maintenance will be picked up by the city.
- f. Appliances, furniture, and/or white goods (stoves, dishwashers, washers and dryers, etc.) shall not be placed on the curb until the resident has called City Hall for a special pickup. Items may not be placed curbside more than 48 hours prior to pick up date.
- g. Rubbish. Rubbish shall not be placed on the curb until the resident has called for a special pickup.
- h. Scavenging. No person other than the owner thereof, or an agent or employee of the city, or any employee of a person holding a contract with the city for collection of solid waste, shall interfere with any container placed for the purpose of storage of solid waste pending collection, or remove or take any of the contents thereof, or remove any such container from the location where same shall have been placed by the owner thereof, unless permission to do so has been granted by the city.

SECTION 7: Collection.

- 1) Limitations. Industrial waste or waste from construction, demolition, landscaping, or processing operations will not be collected, transported or disposed of by public facilities, but such waste collection, transportation, and disposal shall be by the owners or generators of such waste. It shall be a violation of these regulations to place or to cause to be placed in any container, box or bundle, or otherwise for collection, any hazardous waste of any kind except upon specific prior arrangement with the superintendent of public works.
- 2) Collection vehicles. Vehicles used for collection and transportation of solid waste shall be kept clean and in good repair. They shall be constructed in such manner that the contents thereof cannot be spilled, leaked or blown from the vehicle. They shall be readily identifiable by letters, not less than three inches high and easily legible, painted on the door of the vehicle cab or in an equally conspicuous place, showing the owner's

name, telephone number, state permit number, truck number, and rated load capacity in cubic yards. The rated load capacity shall be specified by the superintendent of public works following such superintendent's measurement of the load-carrying portion of the truck body.

- 3) Private contractors. The mayor and council may contract with others to engage in the business of collecting, transporting or disposing of solid waste, provided such persons have applied for and obtained an appropriate solid waste permit in accordance with regulations of the Georgia Code Annotated, tit. 12, Conservation and Natural Resources; ch. 8, Waste Management; art. 2, Solid Waste Management; pt. 1, General Provisions; O.C.G.A. § 12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators. Persons contracting for solid waste collections shall, before engaging in such business, be licensed by the city, shall conform to all regulations providing for safe and sanitary collection and transportation of waste to a point of disposal.

SECTION 8: Disposal.

- 1) All disposal of house hold garbage and rubbish shall be at disposal sites operated in accordance with state laws and with rules and regulations of the state department of natural resources, and at no other place.
- 2) Yard waste shall be disposed of based on city policy. The policy will comply with state laws and with rules and regulations of the state department of natural resources.
- 3) Storm debris (debris generated by hurricane, tropical storm, etc.) shall be disposed of based on the city's storm debris policy. The policy will comply with state laws and with rules and regulations of the state department of natural resources.

SECTION 9: Frequency of residential pickup.

- 1) Household garbage shall be picked up once per week by the city's contract provider.
- 2) Yard debris shall be picked up weekly for each household except in situations of weather or equipment failure.
- 3) Storm debris will be removed as soon as possible after the event.

SECTION 10: Rates—Residential.

Each household shall pay an amount as set forth in the schedule of fees and charges per month for solid waste pickup. This will be on your water bill.

SECTION 11: Commercial.

Solid waste pickup and charges for commercial and other business establishments shall be as set forth in the schedule of fees and charges.

SECTION 12: Billing.

- 1) Service charges in accordance with the schedule are levied against the occupant of premises served, jointly and severally, but collecting from one shall relieve the other.
- 2) Charges for solid waste collection and disposal service shall be billed each month in conjunction with the regular water and sewer bill. These charges are due and payable at time the bill is rendered. Payments are due not later than the tenth calendar day of the following month, unless the tenth day shall fall on a Saturday or a Sunday, in which case the bill will be due not later than 4:00 pm on the next business day. A ten percent (10%) late fee will be added after 4:00 pm on the tenth of the month. When such payment has not been made by the 15th day of the month by 4:00 pm, service shall be discontinued until all arrears, including penalty, have been paid in full.
 - a. Additional Fees include
 - i. On the tenth (10th) calendar day of the month after 4:00 pm, ten percent (10%) of the total bill will be added automatically.
 - ii. On the fifteenth (15th) calendar day of the month, discontinuation fees will be added as follows:
 1. First (1st) offense -- \$25 plus any outstanding balance will be required
 2. Second (2nd) offense -- \$50 plus any outstanding balance will be added, plus an additional \$150 security deposit

SECTION 13: Solid waste collection franchises and fees.

- 1) All residential, commercial, industrial and institutional establishments within the incorporated limits of the City of Patterson shall utilize the solid waste collection service of a waste services provider granted a solid waste collection franchise by the city pursuant to the requirements of this section. No waste service provider which has failed to comply with the requirements of this section shall haul away or remove for disposal any solid waste from any residential, commercial, industrial, institutional, or other premises within the incorporated limits of the City of Patterson.
- 2) Upon approval of the mayor and council the city may enter into an agreement with a solid waste provider granting an exclusive franchise for solid waste collection and disposal services to residential, commercial, industrial and institutional establishments within the incorporated limits of the city. No exclusive franchise for waste services granted by the city shall include collection of construction or demolition waste collected in roll-off containers from residential, commercial, industrial, or other premises, which shall be authorized by the city through non-exclusive franchises as provided herein. Pursuant to authority of the mayor and council, the City of Patterson has entered into an exclusive franchise agreement for waste collection services with a private contractor, excluding construction and demolition waste collection.
- 3) A waste services provider having an exclusive franchise agreement with the city pursuant to this section to provide residential, commercial and industrial solid waste collection services inside the incorporated limits of the City of Patterson shall be required to pay the city an annual franchise fee of \$4,000.00. Unless already paid to the city for the current

year, said franchise fee shall be paid to the city within 30 days following official adoption of this section, and annually thereafter on or about the same date. For purposes of this section "residential solid waste" means all solid waste generated by residential premises, and "commercial solid waste" means all solid waste generated by or at any commercial business including any governmental premises and public or private institutional premises.

- 4) Any waste services provider authorized by the city pursuant to this section to perform solid waste services for collection and disposal of construction and demolition waste collected in roll-off containers from premises located within the incorporated limits of the City of Patterson shall pay the city an annual franchise fee of \$1,000.00. Said franchise fee shall be paid to the city within 30 days following the date of official adoption of this section and annually thereafter on or about the same date. "Construction and demolition waste" shall mean solid waste materials generated by the construction, remodeling, repair or demolition of residential, commercial, industrial, or other premises within the incorporated limits of the City of Patterson.
- 5) As used herein a "waste services provider" means a person engaged in the collection and disposal of solid waste in return for a fee paid by the waste generator. Nothing in this section is intended to prevent a construction or demolition contractor from hauling construction or demolition waste for disposal in a truck or trailer belonging to the contractor.
- 6) Any violation of the solid waste collection franchise requirements of this section shall be subject to enforcement by the city as provided in this ordinance. Appropriate actions and proceedings may be taken by law or in equity to prevent, restrain, correct, or abate any violation of this section.

SECTION 14: Yard debris pickup.

- 1) The City will pick up yard debris once each week. Yard debris consists of leaves and limbs from normal yard cleaning. It must not contain household trash and the limbs should not be more than six (6) inches in diameter or six (6) feet in length.


SECTION 15: Effective Date.

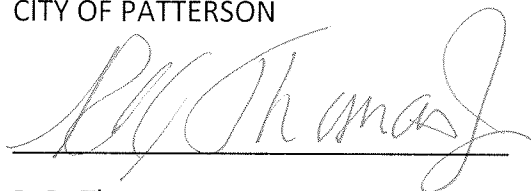
This Ordinance shall become effective on the date of its approval at the second reading by the City Council.

Adopted this 12 day of Nov., 2020, by the affirmative vote of a majority of the councilmembers present at an official meeting of the Council of the City of Patterson.

ATTEST:

CITY OF PATTERSON


Ray Cunningham, City Clerk

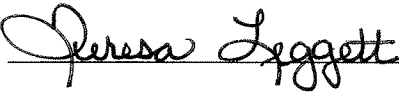

R. D. Thomas, Jr., Mayor

Date of 1st Reading: Sept. 10, 2020

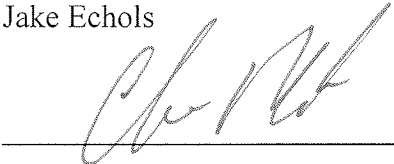
Date of 2nd Reading and Approval: Nov. 12, 2020



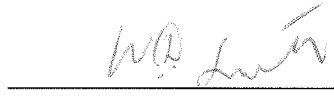
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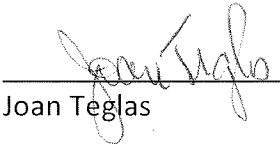
Teresa Leggett



Chris Mock



David Smith



Joan Teglas