



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

02-0 -0342

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**AN ORDINANCE PROVIDING PROCEDURES FOR ENFORCING
STANDARDS FOR COLLECTING, HANDLING, STORAGING, AND
DISPOSING OF SCRAP TIRES IN THE CITY OF ATLANTA; AND
FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta finds that the natural resources and environment are of vital importance to the City of Atlanta and its citizens; and

WHEREAS, the City of Atlanta encourages practices of sound solid waste recycling activities that would minimize the potential for adverse environmental impact; and

WHEREAS, the City of Atlanta does not support or encourage solid waste or scrap tire disposal activities which may cause adverse environmental impact to land, air, and water quality, including but not limited to burning or incineration activities; and

WHEREAS, the City of Atlanta opposes the use of scrap tires or other solid waste materials in manners, which could potentially impact the citizens of the City of Atlanta; and

WHEREAS, the Department of Natural Resources, Environmental Protection Division (EPD) currently enforces the management of scrap tires which includes, generators, carriers, sorters and disposers of scrap tires in accordance with the provisions of the Official Code of Georgia Annotated Title 12, Chapter 8, Article 20 (O.C.G.A. & 12-8-20, et seq.) and the Rules for Solid Waste Management, Georgia Rules and Regulations Chapter 391-3-4; and

WHEREAS, the Department of Natural Resources, Environmental Protection Division has made funds available for local governments to develop and implement solid waste regulatory programs to prevent scrap tire dumping, develop enforcement ordinances, and establish a local scrap tire management program; and

WHEREAS, the City of Atlanta has approved the acceptance of the previously mentioned funds for the development of the City of Atlanta Scrap Tire Management Program; and

WHEREAS, the City of Atlanta finds that the health, safety, and general welfare of the citizens of the City of Atlanta shall be benefited by the adoption and implementation of enforcement standards for managing the generation, handling, storage, and disposal of scrap tires in the City of Atlanta.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA GEORGIA, AS FOLLOWS:**

Section 1. Title.

This Ordinance shall be known as the "The City of Atlanta Scrap Tire Enforcement Ordinance."



Section 2.

Intent and Purpose.

The City of Atlanta finds that protection of the environment is vital to the health, welfare and economic progress of the City of Atlanta and its citizens. Therefore, it is the intent of this Ordinance to develop regulations and procedures that govern scrap tires from the point of generation to the point of disposal.

Section 3.

Definitions

1. **End User** means the last person who uses the scrap tires, chips, crumb rubber, or similar materials to make a product with economic value, or in the case of energy recovery, the person who utilizes the heat content or other forms of energy from the incineration or decomposition of waste tires, chips or similar materials.
2. **Financial Assurance** means a mechanism designed to demonstrate that funds would be available to ensure compliance with statutory/regulatory and permit requirements of scrap tire carriers. The financial mechanisms must be either performance bonds or letters of credit.
3. **Governing Authority** means the City of Atlanta.
4. **Litter** means uncontrolled, uncontained solid waste.
5. **Manifest** means a form or document used for identifying the quality and composition and the intermediate points to an end user, processor, or disposer approved by the Environmental Protection Division.
6. **New Replacement Tires** include, but are not limited to tires for automobiles, trucks, heavy equipment, motorbikes, boats and other trailers, aircraft and recreational vehicles.
7. **Mixed Tires** means a heterogeneous group of tires consisting of used, retreadable casings and scrap tires.
8. **Person** shall mean the State of Georgia or any other state or any agency or institution thereof, and any municipality, county, 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 management activities, or public or Private Corporation in Georgia or any other state. This term also includes employees, departments and agencies of the federal government.
9. **Recycled** 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 materials or products.
10. **Retail Tire Dealer** means a person actively engaged in the business of selling new tires and may also be, but are not limited to, manufacturers, wholesalers, and others who sell new tires to the ultimate consumer.
11. **Retreadable Castings** means a tire, which has the quality and soundness of the tire structure to accept a retread or repair and provide additional service designed for retreating.
12. **Scrap Tire** means a tire that is no longer suitable for its original intended purposes because of wear, damage, or defect.
13. **Scrap Tire Carrier** means any person engaged in picking up or transporting scrap tires otherwise exempted for the purpose of removal to a scrap tire processor, and end user, or disposal facility.
14. **Scrap Tire Generator** means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire



processors, automobile dealers, private company vehicle maintenance shops, garages, service stations.

15. **Scrap Tire Processor** means any method, system, or other treatment designed to change the physical form; size or chemical content of scrap tires and includes all aspects of its management (administration, personnel, land, equipment, building, and other elements). Processing includes, but not limited to, shredding, chopping, chipping, baling, splitting, recycling, or sorting of scrap tires.
16. **Scrap Tire Processor** means any person who is approved by the EPD to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.
17. **Solid Waste** means 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 operation materials; solid or dissolved materials in domestic sewage; solid or dissolved materials 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 (68Stat.923).
18. **Tire** means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle Nor a part of the motor vehicle as original equipment.
19. **Tire Handling Business** means persons whose income is at least partially derived from the sale, processing, transporting, or disposal of tires.
20. **Tire Retreader** means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.
21. **Ultimate Consumer** means the last person who receives and uses a new replacement tire. Ultimate consumer may be, but are not limited to:
 - a. An individual;
 - b. A leasing company purchasing tires from retail dealers for their vehicle fleet;
 - c. A private company purchasing tires from retail dealers for their vehicle fleet;
 - d. A governmental agency.
22. **Used Tire** means a tire which has a minimum of 2/32 inches of road tread and which is still suitable for its original purpose. It must be inventoried and marked in substantially the same fashion as a new tire; the dealer must be able to provide satisfactory evidence to the Governing Authority that a market exists, and the used tires are in fact, being marketed.
23. **Store** means to accumulate, amass, garner, hive, lay up, stockpile, or up lay of tires.
24. **Storage** means the act of storing tires or the state of being stored on private property.

Section 4. Inspections

- 1) Authorized agents from the City of Atlanta shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance. This is including but not limited to the power to enter at reasonable times upon any property public or private, for the purpose of investigation and inspecting facilities conducting scrap tire generation, storage, transportation or disposal activities. The authorized agent, upon presentation or proper identification to the owner, agent or tenant in charge, shall enter premises during hours of operation.



- 2) No person shall refuse entry or access to any authorized representative or agent who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such representative while in the process or carrying out his/her official duties.

Section 5.

Scrap Tire Management

This Ordinance is intended to apply to all persons presently engaged in or proposing to be engaged in the retail sale of new tires, used tires, and/or handling of scrap tires. It is not, however, the intent of this Ordinance to regulate, authorize or review any permits required by the EPD for scrap tire management in accordance with the provisions of O.C.G.A. 12-8-20, et seq. or the Rules for Solid Waste Management, Georgia Rules and Regulation Chapter 391-3-4.19.

1. Retail Tire Dealers Enforcement

The City of Atlanta will conduct retail facility inspections to ensure that the appropriate records and reports detailing the number of new replacement tires sold and the amount of fees collected are maintained on file at the facility in question.

2. Scrap Tire Generators Enforcement

- a. Scrap Tire Generators shall have necessary licenses and specifications as required by Law.
- b. The Scrap Tire Generator shall maintain the state required documentations for file, and shall be maintained during the normal hours of business.
- c. Generators of scrap tires shall maintain copies of completed manifest Records for three (3) years.
- d. Unless otherwise approved in writing by EPD, generators shall assure that any person collecting and transporting their scrap tires shall hold a valid Scrap Tire Carrier Permit issued by EPD. However a person who generates less than 100 tires per month and who transports only their own scrap tires to approved end users, processors, recyclers, or disposers is not required to have a Scrap Tire Carrier Permit, but must comply with all other provisions required of generators and scrap tire carriers.
- e. A Scrap Tire Generator may choose to determine whether a tire, because of wear, damage or defect, is not suitable for classification as a used tire, or retreadable casing as defined in this ordinance. However, if a generator fails to sort or delineate which tires are used, retreadable casings or scrap tires, then all tires transported shall be considered scrap tires and must be thusly indicated on the shipment manifest.

3. Scrap Tire Carriers Enforcement

- a. The City of Atlanta will inspect scrap tire carriers to determine if the entity collecting or transporting scrap tires has been issued a Scrap Tire Carrier Permit and has proper financial assurances.
- b. Scrap Tire Carriers shall be required to show if transported scrap tires are properly manifested, and if the documentation indicates that the transported scrap tires are properly manifested, and if the documentation indicates that, the scrap tires were transported to an EPD-approved end user, recycler, processor, sorter, or disposer.
- c. Carriers shall maintain financial assurance in the form of a Performance Bond or letter of credit. The financial assurance shall be maintained according to the following criteria:
 1. \$5,000.00 for carriers transporting up to 500 scrap tires per month,



2. \$10,000.00 for carriers transporting more than 500 scrap tires per month.
- d. The City of Atlanta shall review documentation maintained by the Carriers to ensure that the quarterly reports required by the EPD include the number of scrap tires transported and the manner of the scrap tire disposition.
- e. The City of Atlanta shall also review Carrier records to determine if the Carriers have returned a completed copy of the manifest to the scrap tire generators, which shall be indicated on the manifest.
- f. The following persons shall be exempt from being required to have a Scrap Tire Carrier Permit:
 - 1) Scrap tire generators who transport scrap tires only between their own branch office locations;
 - 2) Persons carrying only used tires or retreadable casings;
 - 3) A tire retailer or the tire retreader transporting tires to or from a customer's place of operation, or between branch offices of the tire retailer or tire retreader;
 - 4) A municipal solid waste collector holding a valid solid waste collection permit under authority of this part whose primary business is the collection of municipal solid waste;
 - 5) A private individual transporting the individual's own scrap tires to a processor, permitted disposal facility, or other facility approved by the EPD;
 - 6) A company not in the tire handling business, or a company in the tire handling business that transports only their own scrap tires and which company generates less than 100 scrap tires per month. However, all other applicable provisions of this ordinance shall be followed, except that the generator shall not be required to report quarterly as provided in Paragraph 3(d) of Section 5; and
 - 7) Other persons approved by the EPD on a one time or temporary basis. Those scrap tires are to be reused or recycled rather than disposed.

4. **Scrap Tire Storage Enforcement**

- a. It shall be unlawful for any person to store any scrap tires outside of an enclosed building, or in such a manner to cause blight, a fire hazard or a health menace. Any persons storing scrap tires in such a manner will be in violation of this ordinance. The referenced storage rule will not apply to the following:
 - 1) A solid waste disposal site permitted by The State of Georgia if the permit authorizes the storage of scrap tires prior to their disposal;
 - 2) A tire retailer with not more than 3,000 scrap tires in storage;
 - 3) Tire retreaders with not more than 3,000 scrap tires in storage;
 - 4) Auto salvage yards with not more than 500 scrap tires in storage; and
 - 5) Scrap tire processors approved by The State of Georgia.
- b. Scrap tire storage facilities shall be required to maintain all generated scrap tires in secured areas with restrictive access to prevent theft or the potential for scrap tires to be removed from the facility and improperly disposed.

Section 6. Violations

- a. Any person found to be violating any provision of this Ordinance shall be served written notice by the City of Atlanta stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such persons shall, within the time period stated in the



- notice, take all necessary action to correct the violation and shall permanently cease such violation.
- b. If any violation of any provision of this Ordinance continues beyond the correction period stated in the notice provided for in subsection (a) of this section. Any person found in violation of any provision of this Ordinance may be issued a citation by the City of Atlanta and may be prosecuted and punished as provided by law for the violation of an ordinance. Each day in which a violation is continuing shall constitute a separate violation.
 - c. If the Director of The Bureau of Neighborhood Conservation for the City of Atlanta determines that a threat to public health, safety or welfare exists as a result of a violation of this Ordinance, and any person has failed to take corrective action within the time period stated in the notice provided for in subsection (a). The City of Atlanta may take such remedial action as is necessary to protect the public health, safety or welfare of its citizens. Such remedial action may include entry upon the property on which a violation exists, correction of the violation, and the placement of a lien upon the property to secure payment and reimbursement of all expenses incurred by the City of Atlanta in correcting such violation.

Section 7 **Penalties.**

For the purpose of enforcing the provisions of this article, the City of Atlanta Municipal Court or any other court of competent jurisdiction trying cases brought as violations of the provisions of this article, shall be authorized to impose penalties for such violation(s) of this Ordinance ranging from a minimum amount \$250.00 to a maximum amount of \$1,000.00 per violation per calendar day. Each calendar day a violation exists shall be considered a separate offense.

Section 8. **Inclusion in the Code**

The provisions included in this Ordinance shall be included and incorporated within the Code or Ordinances of the City of Atlanta, and may hereafter be renumbered or re-lettered to accommodate this inclusion.

Section 9. **Severability**

Each provision included in this Ordinance is separate, distinct, and severable from the remaining provisions of this Ordinance and the validity of any provision shall not affect the validity of any other provision in this Ordinance or the Ordinance as a whole.

Section 10. **Effective Date**

This Ordinance shall take effect immediately upon its passage and enactment by the City of Atlanta.

Section 11. **Repealer Clause**

All ordinances and parts of ordinances in conflict herewith are repealed.

References: O.C.G.A. & 12-8-20, et seq, and the Rules of Georgia Solid Waste Management, Section 391-3-4.19
re: Scrap Tire Management

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 18, 2002
MAR 26, 2002

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0167
02-O-0458

CORRECTED COPY

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED
ON CONSENT
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSE
ON CONSENT
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445

02-0-0342

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AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE PROVIDING PROCEDURES FOR ENFORCING STANDARDS FOR COLLECTING, HANDLING, STORAGING, AND DISPOSING OF SCRAPE TIRES IN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 18 2002

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 3/4/02

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date 3/26/02
 Chair Clara Henderson
 Referred to CP/HR

Committee <u>CP/HR</u>	Committee
Date <u>3/12/02</u>	Date
Chair <u>Clara Henderson</u>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <u>Atlanta Police Dept D. J. Young D. Williams A. [Signature]</u>	Members <u>Latoya W. Woodard</u>
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
 2nd
 1st & 2nd Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED

MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Latoya W. Woodard

CERTIFIED

MAR 18 2002

Frank Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
MAR 26 2002

Quincy Lander