

02-2087
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AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND ARTICLE II, SECTION 130 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE FOR A MORE EFFICIENT, EQUITABLE AND FISCALLY RESPONSIBLE MEANS OF PROVIDING SOLID WASTE SERVICES; AND FOR OTHER PURPOSES

ADOPTED BY
JAN 0 5 2004
COUNCIL

Substitute
As Amended

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

Date Referred 11/18/02
 Referred To: City Utilities
 Date Referred 12/01/03
 Referred To: City Utilities
 Date Referred
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities
 Date 2002
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members #2
 6/10/03 sub.
 #3 8/20/03 sub.
 9/9/03 Red
 Refer To _____

Committee City Utilities
 Date 2003
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To _____

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

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote
 CERTIFIED

CERTIFIED
 JAN 0 5 2004
 ATLANTA CITY COUNCIL PRESIDENT
 Catherine M. Morfitt

CERTIFIED
 JAN 0 5 2004
 Frank Dunbar Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 MAYOR
 JAN 1 2 2004

**AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER
AS SUBSTITUTED AND AMENDED BY THE CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA TO PROVIDE MORE
EFFECTIVE STANDARDS AND REGULATIONS TO BETTER MANAGE
SOLID WASTE WITHIN THE LIMITS OF THE CITY; AND FOR
OTHER PURPOSES.**

WHEREAS, it is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents; and

WHEREAS, an effective Solid Waste Management Program is a necessary component of this policy; and

WHEREAS, effective and explicit laws and standards are necessary to ensure the proper management of solid waste within the city; and

WHEREAS, the City of Atlanta has not undertaken a comprehensive analysis of the Solid Waste code in nearly twenty years; and

WHEREAS, the City of Atlanta faces numerous problems associated with solid waste collection and management within the city; and

WHEREAS, the amount of bulk items, bulk yard trimmings and rubbish on streets and sidewalks throughout the City continues to grow; and

WHEREAS, the prevalence of bulk items, bulk yard trimmings and rubbish throughout the City threatens the continued safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, the continued presence of bulk items, bulk yard trimmings and rubbish on the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the City must ensure that bulk items and rubbish containing or contaminated by hazardous materials are properly disposed of; and

WHEREAS, many of these items are improperly or illegally dumped, thrown, placed or otherwise deposited; and



WHEREAS, the amount of illegally dumped, discarded and deposited waste on streets and sidewalks throughout the City continues to grow; and

WHEREAS, the prevalence of illegally dumped, discarded and deposited waste throughout the City threatens the continued safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, the continued presence of illegally dumped, discarded and deposited waste on the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the City of Atlanta must create penalties that will increasingly discourage illegal dumping or negative diversion; and

WHEREAS, the City of Atlanta must not only create increased penalties but also work to enforce them; and

WHEREAS, the City of Atlanta must implement procedures that will ensure household hazardous materials are disposed of properly as a necessary component of a responsible Solid Waste Management program; and

WHEREAS, these problems represent a very real threat to the health, safety and welfare of the residents of the City of Atlanta; and

WHEREAS, the State of Georgia has established a 25% waste reduction disposal goal; and

WHEREAS, Environmental Protection Agency studies have shown that up to 25% of all households' waste is yard trimmings and food scraps that can be composted; and

WHEREAS, the City of Atlanta has complied with a state law banning yard trimmings from landfills by providing a separate collection program for yard trimmings as a part of its Solid Waste Management system; and

WHEREAS, the City of Atlanta must take immediate measures to provide for proper solid waste management within the city as an essential step in protecting the health, safety and welfare of its residents and the environment of the city; and

WHEREAS, the City of Atlanta must implement improved means to better recover costs to the city associated with the delivery of services through the Solid Waste Management system of the city; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That Chapter 130 be repealed in its entirety, and be replaced with the following:

**Chapter 130
SOLID WASTE MANAGEMENT**

ARTICLE I. IN GENERAL

Section 130-1. Statement of purpose and definitions.

(a) Statement of purpose.

- (1) It is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents. Furthermore, the City of Atlanta recognizes environmental protection as a right of the people living within the city. So that the objectives of these policies might be achieved, it is also essential to take necessary measures to preserve and protect the environment of the city for its inhabitants.
- (2) Therefore, it is declared to be the purpose of this chapter to provide an effective solid waste management program within the City to better protect and promote the health, safety and general welfare of City of Atlanta and its residents. Furthermore, the City of Atlanta must work to maintain an effective solid waste management program to ensure that the City of Atlanta remains an effective steward of the environment and its natural resources.

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

Brown goods means any discarded appliances including but not limited to electronic equipment such as stereos, televisions, computers, and VCRs and other similar items.

Building of public worship means any lot upon which is located one or more buildings used for the purpose of public worship.

Bulk yard trimmings means oversized yard trimmings such as tree trunks and branches exceeding two (2) feet in diameter and four (4) feet in length that are biodegradable.

Bulky items means discarded non-putrescible waste of a size and form which cannot be easily deposited in, or removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, including but not limited to the following items: furniture; carpets; mattresses; clothing; and tires. Bulky items does not include any motor vehicle or any subassembly, component or part thereof (except tires).



Collector means a person who, under verbal or written agreements, with or without compensation, does the work of collecting and transporting solid waste, from industries, offices, retail outlets, businesses, institutions and similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and transporting waste from such individual's own single-family dwelling unit.

Commercial and industrial property means any lot that is used wholly or predominantly, according to the total square footage of building structure on all stories devoted to a particular use, for business, commercial or industrial purposes or for the purposes of boardinghouses or mobile home parks and any other lot which is excluded from any other categories set forth in this section or the definitions contained in this section.

Commercial waste means waste materials generated in commercial operations.

Commissioner means the Commissioner of Public Works or any duly authorized assistant, agent or representative of the commissioner.

Commissioner of Public Works means the Commissioner of the Department of Public Works or any duly authorized deputy, assistant, agent or representative of the commissioner.

Compostable material means any organic materials that are source separated for processing or composting, such as yard trimmings and food waste.

Construction and demolition waste

- A. *Construction and demolition waste* means discarded waste building materials and rubble generally resulting from construction, remodeling, repair and demolition of buildings and pavements, including but not limited to processed wood, metal, bricks, concrete, wallboard, paper and cardboard.
- B. *Construction and demolition waste* does not include materials and rubble resulting from construction, remodeling, repair and demolition of buildings and pavements, that contain or have been contaminated by hazardous materials which must be handled and disposed of separately.

Disposal operation means the performance of solid waste disposal and includes 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.

Extra garbage means any containerized or uncontainerized garbage set out for disposal that is placed separate from the container issued by the city for its regular curbside collection program.

Garbage

- A. *Garbage* means putrescible wastes including kitchen and table food wastes; animal or vegetable wastes resulting from the storage, preparation, cooking, processing or handling of foodstuffs; nonputrescible wastes that are mixed in the same container with or contaminated by putrescible wastes; small dead animals not exceeding five pounds in weight; and any putrefactive or easily decomposable waste material that is likely to attract flies, vermin, birds or rodents.
- B. *Garbage* does not include materials that are separated and set aside for recycling or composting and does not include hazardous material, household hazardous material, or sewage or sewage sludge or human or animal excrement or yardwaste.

Generator means any person or business responsible for the creation, generation or production of solid waste upon any premises.

Hazardous material as defined in Section 1004(5) of the Resource Conservation and Recovery Act of 1976 (RCRA), means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: 1) cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The owner or operator of a facility which treats, stores, manages, or disposes of such materials is required by Section 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA) to submit an emergency and hazardous chemical inventory form to the State and to the Local Emergency Planning Commission, and is required to submit a MSDS per RCRA. Hazardous material includes all household hazardous materials in single containerized volumes of five (5) gallons or greater, or uncontainerized improper discharges or deposits of volumes of two (2) or more gallons.

Hazardous material disposal facility means any facility where final disposal of any hazardous material occurs, including any facility classified Subtitle C under Title 40 of the Code of Federal Regulations (CFR).

Household hazardous materials means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household or similar source that is either ignitable, corrosive, reactive or toxic, in single containerized volumes under five (5) gallons. Household hazardous materials also includes any item, product or material containing or contaminated by any household hazardous material.



Incinerator means any device intended or used for the reduction or destruction of solid waste by burning.

Industrial waste means waste materials generated in industrial operations.

Landfill means a method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

Litter means uncontrolled or uncontainerized solid waste.

Multi-family dwelling means any permanent premises on a single parcel of land designed for or occupied by more than six (6) residential dwelling units where the residential units do not receive separate or individual solid waste collection service.

Municipal solid waste (MSW) means any solid waste derived from commercial and residential properties, including garbage, trash, yard trimmings and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, picnic grounds, parks, and day use recreation areas.

Nuisance means any improper deposit or disposal of refuse as defined in this section.

Owner means the person holding the legal title to any real property located in the city.

Private contractor means any business or person operating under a contract for the collection and removal of solid waste from any multi-family residential, commercial, or industrial premises within the city.

Putrescible wastes means wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

Recovered materials means 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 means 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 City, State of Georgia and Federal laws and regulations relating to such solid waste.

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

Residence means any lot that is used exclusively for residential purposes, but not lots upon which are located licensed hotels or motels or apartments.

Residential composting means any composting of yard trimmings generated on the residential premises for use on the residential property on which it was generated.

Residential property means any property that is used exclusively for residential purposes, but not properties upon which are located licensed hotels or motels.

Rubbish means all uncontainerized, discarded, nonputrescible waste matter excluding yard trimmings that cannot be easily deposited in, or removed by city personnel from containers provided by the city for disposal and collection of solid waste from residences.

Salvage means a controlled method of sorting and storing solid wastes for future use as approved by the commissioner.

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

Scavenging means uncontrolled picking from discarded solid waste materials.

Single-family dwelling means any permanent premises used for or designated as a single-family residential dwelling. Single-family dwelling includes each part of a condominium project, duplex, triplex, townhouse project or apartment building which has been approved by the Commissioner of Solid Waste Services for separate or individual solid waste collection service.

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, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include 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 disposal facility means any facility or location where the final deposition of solid waste occurs and includes but is not limited to landfills, sanitary landfills, municipal solid waste landfill and solid waste thermal treatment technology facilities.



Solid waste handling means the storage, collection, transportation, treatment, utilization, processing or disposing of solid wastes or any combination thereof. *Special pickup* means a pickup of bulky items, bulk material or extra garbage requested by the customer at a time other than the regularly scheduled service time, which involves the dispatch of a truck.

Solid waste handling facility means any facility or location, the primary purpose of which is storage, collection, sorting, transportation, treatment, utilization, processing or disposal, or any combination thereof, of solid waste. Such facility shall include any facility engaged in the handling, as described above, of compostable waste, other than a facility engaged solely in the handling of yard trimmings, as defined herein.

Tenant means any person or persons, other than the owner, occupying or in possession of a premises.

Transfer station means a supplemental transportation facility used to transfer solid waste or facilitate the transfer of solid waste from one transportation vehicle to another for transportation to another facility for further processing or disposal.

Transporter means any person or business moving, relocating or transporting any solid waste upon the public streets, highways and public right-of-way within the city.

Trash means nonputrescible solid waste, of a size and form which can be easily deposited in, and removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, and which includes paper, cardboard, small metal items or containers and packaging materials, and similar items normally accumulated in the care and maintenance of residential or commercial property.

Vegetative overgrowth means any and all uncultivated vegetative growth exceeding a height of 18 inches, as measured vertically from the surface of the ground, and covering a continuous area of 400 square feet or 25 percent, whichever is less, of that portion of any lot, tract or parcel of land which is not occupied by buildings, other structures or trees.

Weeds means all rank, vegetative growth, including kudzu, poison ivy, plants of obnoxious odors, weeds and grasses causing hay fever or those which serve as a breeding place for mosquitoes and other unhealthy or undesirable insects or as a refuge for snakes, rats or other rodents or as a hiding place for filth, litter or trash or that create a fire or traffic hazard or provide a hiding place for persons.

White goods means discarded household appliances including but not limited to refrigerators, ranges, washers, dryers, water heaters, and dishwashers and other similar items.

Yard trimmings means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod; and biodegradable or compostable waste approved for the yard trimmings programs. It excludes loose soils; food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four (4) inches in diameter or three (3) feet in length; human or animal excrement; soil contaminated with hazardous materials; and all matter resulting from landscaping development and maintenance by a professional contractor.

Section 130-2. Maintenance and inspection of property.

- (a) *Required.* Every person owning or occupying public or private property in the city shall maintain the property free of any condition that may render the premises or property to be unhealthy, unsanitary, unsightly or unaesthetic to the occupants thereof, the neighborhood or the community at large.
- (b) *Conditions in violation.* Because they are deemed to be conducive to breeding or harboring of harmful germs or to the breeding or harboring of insects, snakes, rodents, lizards or similar or undesirable living pests and carriers of harmful germs or poisons or to the harboring of undesirable persons or illicit activities and are in violation of the general public health, safety, welfare and well-being, the existence of any one of the following conditions on property within the city shall be in violation of this section and this Code:
- (1) Uncontainerized garbage or uncovered garbage containers of all kinds and types.
 - (2) Trapped litter or any other improperly containerized solid waste.
 - (3) Exterior storage of solid waste or other unsightly materials.
 - (4) The existence of weeds and vegetative overgrowth.
 - (5) The existence, storage or accumulation of garbage, hazardous, putrescible solid waste or rubbish.
- (c) *Inspection of premises.* The commissioner of public works or any duly authorized agent of the department of public works or other city departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, is clothed with police powers and shall be designated a special officer of the city.
- (d) *Notice of unsanitary conditions.* Upon the determination through inspection by the commissioner of public works or any duly authorized agent of the department of public works or any other duly authorized agent of the city that any property within the city is in violation of this section, the commissioner shall give written notice to the owner or agent of the owner of the property of the condition found.



- (1) Such notice shall set forth the condition of the property, the specific violation of this section and the Code and the remedial action to be taken.
- (2) The notice to the owner or agent shall include a time certain in which the nuisance is to be abated, but not more than ten days from date of receipt of the notice by the owner or agent. All notices shall be sent by personal service or sent by registered or certified mail, return receipt requested, to the last known address as listed in the official tax register of the county or records of the secretary of state.
- (3) Upon failure of the owner or agent to abate the violation cited within the time set forth in the notice, the property owner or agent shall be subject to the fines and penalties for a Class A offense as provided in Section 130-12 of this Chapter. And the nuisance shall be processed and abated in accordance with section 74-161

Section 130-3. Deposit of solid waste on streets and sidewalks.

- (a) *Generally.* No person shall deposit in any street, sidewalk or other public place in the city any solid waste of any type; provided, however, that earth and rubbish or building debris caused by construction may be allowed to lie in those places subject to permit by the Department of Public Works. In compliance with this section, it shall be lawful to place bulk yard trimmings, such as branches and similar matter, in the parkway between the sidewalk and the curbstone, provided the debris does not extend over the sidewalk so as to block pedestrian traffic or fall into or extend over the street so as to block pedestrian traffic or fall into or extend over the street so as to hinder vehicular traffic or make it difficult to use motor-driven sweepers.
- (b) *Tree services.* All persons engaged in the business of trimming or removing trees, shrubbery or similar growth shall not allow any sawdust, branches, stumps and all portions of the byproduct generated by any tree service to accumulate on any adjacent public way and shall remove all debris from the public way at least once a day. Any property owner shall be responsible for ensuring that such persons or businesses shall properly remove, transport and dispose of the debris in conformity with the requirements of this code and in a manner that does not cause any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (c) *Landscaping, nurseries or yard maintenance services.* All persons engaged in the business of landscaping, nurseries or yard maintenance and who shall contract with a property owner, the owner's agent or the occupant to improve the property, trim or remove shrubbery and trees or maintain yards shall remove from the property all solid waste and rubbish, including rocks, dirt, glass, trimmings and other byproducts generated by such service. Any property owner shall be responsible for ensuring that such persons or businesses shall properly remove, transport and dispose of the debris in conformity with the requirements of this code and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.

- (d) *Construction and demolition waste.* All persons engaged in the business of construction or demolition who shall contract with a property owner, the owner's agent or the occupant to improve the property shall remove from the property all solid waste and other byproducts generated by such service. Any property owner shall be responsible for ensuring that such person or businesses shall properly remove, transport and dispose of the debris in conformity with any requirements of the State of Georgia, and the requirements of this code and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (e) *Penalties.* Any person, business or commercial entity violating this section or allowing any person or persons under their control or authority to violate this section, shall be subject to the fines and penalties for a Class C offense according to the provisions of Section 130-12 of this chapter.
- (f) *Damage to the public right-of-way.* If the public right-of-way is damaged during the removal of any solid waste from any property, such person, business or commercial entity shall restore the public right-of-way to the condition that it was in before the damage occurred or shall pay the city in full for any costs and expenses which the city incurs in connection with the performance of that work.

Section 130-4. Cleanliness of sidewalks.

It shall be the duty of all occupants and owners of property and owners of vacant property, in front of which the sidewalk area is paved or unpaved, to keep that area clean and to do such sweeping and scraping and cutting of grass or weeds and watering, pruning and maintaining planted material and planters as may be necessary to remove clay, dirt and trash therefrom and to render it passable, comfortable and sightly.

Section 130-5. Decaying animal matter.

- (a) It shall be unlawful for any person having the ownership or control of any animal matter within the city which is in process of decay so as to be offensive or dangerous to the public health and welfare to permit the same to remain within the city, while in such condition, more than twelve (12) hours after such animal matter shall have come into such offensive or dangerous condition, whether it be at an establishment for the rendering or changing the character thereof or not.
- (b) It shall be unlawful for any person to dispose of any decaying animal matter through the curbside collection program of the city.
- (c) Any person violating any provision of this section shall be fined not less than \$25.00 and not more than \$1000.00 for each offense. Every day on which such violation shall continue shall be deemed a separate and distinct offense.

Section 130-6. Throwing, depositing, or disposing of garbage, trash, yard trimmings or other solid waste upon streets, sidewalks, public places, public property and public rights-of-way.

(a) *Prohibited conduct.* It shall be unlawful for any person to:

- (1) Throw, deposit or discard debris, uncontainerized garbage, litter, trash, solid waste or uncontainerized yard trimmings upon the streets, sidewalks, public places, public property and public rights-of-way within the city.
- (2) Place, throw, deposit or discard nails, tacks, glass or any similar substance, object or objects which would be likely to injure the feet of persons or animals or cut, puncture or otherwise damage tires or vehicles, upon the streets, sidewalks, public places, public property and public rights-of-way within the city.

(b) *Penalties.* Penalties for any person violating this section shall be as follows:

- (1) Where the volume of debris, garbage, litter, trash, solid waste or yard trimmings discarded is less than fifteen (15) gallons, a conviction for violation of this section shall subject the violator to penalties as provided for a Class A offense according to the provisions of Section 130-12 of this chapter.
- (2) Where the volume of debris, garbage, litter, trash, solid waste or yard trimmings discarded is fifteen (15) gallons or greater, a conviction for violation of this section shall subject the violator to the penalties for a Class B offense according to the provisions of Section 130-12 of this chapter.

(c) *Signs in rights-of-way.* The commissioner of public works or his designee shall be responsible for installing "No Littering" signage within the right-of-way as deemed appropriate. These signs shall be highly visible and placed strategically throughout the entire city.

Section 130-7. Disposal of garbage and other solid waste on private property; uncontainerized garbage on private property.

(a) *Garbage on private property.* It shall be unlawful for any owner within the city to have upon the owner's property any containerized or uncontainerized garbage, trash or other materials or substances which may catch and retain rainwater or anything which will furnish food for or attract or harbor rats or which will attract flies or breed mosquitoes or otherwise become a fire hazard or health menace.

(b) *Improper dumping or disposal.* It shall be unlawful for any person to dump, deposit or otherwise place, or allow to be dumped, deposited or otherwise placed on any public or private property within the city, with or without the consent of the owner or the owner's agent, any solid waste that is not prepared and placed according to the provisions of this code, unless otherwise permitted according to the provisions of section 130-63.

(c) *Penalties.*

- (1) Violation of subsection (a) of this section will be subject to the penalties as provided for a Class B offense, according to the provisions of Section 130-12 of this chapter.
- (2) Where the volume of trash, garbage, solid waste or other materials is less than twenty (20) gallons, the violation of subsection (b) of this section shall subject the violator to any penalties for a Class C offense according to the provisions of Section 130-12 of this chapter.
- (3) Where the volume of trash, garbage, solid waste, yard trimmings or other materials is twenty (20) gallons or greater, the violation of subsection (b) shall subject the violator to a penalty for a Class D offense according to the provisions of Section 130-12 of this chapter.

Section 130-8. Transporting garbage, trash, solid waste, or other material in open motor vehicles; spills from motor vehicles.

- (a) It shall be unlawful for any person to operate or cause to be operated upon any public street in the city any open truck, wagon or other motor vehicle in and upon which garbage, trash, manure, solid waste material, other debris, or other materials are transported, unless the vehicle shall be equipped with a cover or other securing device that will prevent the garbage, trash, waste material, other debris or other material from falling from the truck onto the streets of the city.
- (b) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall take immediate action to remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response.

(c) *Penalties.*

- (1) Any person, business or commercial entity violating subsection (a) of this section or allowing any person or persons under their control or authority to violate this section, shall be subject to the fines and penalties for a Class B offense according to the provisions of Section 130-12 of this chapter.
- (2) Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of City Code and is punishable according to the penalties established for a Class D offense according to the provisions of Section 130-12 of this chapter.

Section 130-9. Spills from vehicles; concrete, cement, gravel, sand, dirt, and asphalt hauling.

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- (a) Any person engaged in hauling concrete, cement, gravel, sand, dirt, or asphalt on any public street within the corporate limits of the city shall load or fill vehicles so as to not allow spillage of any material onto the city streets or sidewalks. All vehicles hauling wet concrete, cement or loose material, are required to use suitable covers, spill prevention and capture devices to prevent materials from blowing, spilling, or dripping from the vehicle.
- (b) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response.
- (c) *Penalties.*
- (1) Any person, business or commercial entity violating subsection (b) of this section or allowing any person or persons under their control or authority to violate this section, shall be subject to the fines and penalties for a Class B offense according to the provisions of Section 130-12 of this chapter.
 - (2) Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of City Code and is punishable according to the penalties established for a Class D offense according to the provisions of Section 130-12 of this chapter.

Section 130-10. Hazardous materials.

(a) *Prohibited conduct.*

- (1) No person shall dispose of any hazardous materials at any of the solid waste disposal facilities or transfer stations within the limits of the city.
- (2) No person shall store or accumulate any hazardous materials in any container used for storage or accumulation of garbage, rubbish, recovered materials, or solid wastes.
- (3) No person shall store or accumulate any hazardous materials in any container not designed, intended or permitted for storage or accumulation of hazardous materials.
- (4) No person shall deposit or discard on any public or private property any type or kind of hazardous material within the city.

- (b) *Penalties.* Any person, business or commercial entity violating this section or allowing any person or persons under their control or authority to violate this section, shall be subject to the fines and penalties for a Class E offense according to the provisions of Section 130-12 of this chapter.

Section 130-11. Household hazardous materials.

(a) *Prohibited conduct.*

- (1) No household hazardous materials shall be disposed through the curbside collection service of the city in a manner different from the procedures for the proper disposal of household hazardous wastes established by the Commissioner of Public Works or his designee.
- (2) No person shall deposit or discard on any public or private property any type or kind of household hazardous material within the city.
- (3) *Specific household hazardous materials.* Specific household hazardous materials which require special handling for disposal through the curbside collection program of the City include but are not limited to the following materials:
 - a. *Automotive.* Specific automotive materials considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to antifreeze; batteries and battery fluids; gasoline, motor oil and other petroleum products; solvents; and transmission fluid.
 - b. *Cleaners.* Specific cleaners considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to bleach; disinfectants; drain openers; mold and mildew stain removers; oven cleaners; toilet bowl cleaners; and tub and tile cleaners.
 - c. *Hobby products.* Specific hobby products considered household hazardous materials that are prohibited from disposal as municipal solid waste include but are not limited to chemistry sets; artists' paint; photography chemicals; and picric acid.
 - d. *Home maintenance.* Specific home maintenance materials considered household hazardous materials which are prohibited from disposal as municipal solid waste include but are not limited to metal polishes; latex paint; solvent-based paint; paint strippers; paint thinners; and wood polishes and waxes.
 - e. *Pesticides.* Materials and substances used for the control of pests, vermin and rodents are considered household hazardous materials that are prohibited from disposal as municipal solid waste.
 - f. *Lawn care products.* Herbicides, insecticides, fungicides and fertilizers containing pesticides are considered household hazardous materials that are prohibited from disposal as municipal solid waste.
 - g. *Miscellaneous home products.* Other specific materials considered household hazardous materials that are prohibited from disposal as municipal solid waste include but are not limited to aerosol air fresheners; any explosives; fluorescent lamps; freon; household batteries; kerosene; pool chemicals; smoke detectors; thermometers; and thermostats.

(d) *Penalties.* Penalties for any person violating this section shall be as follows:

- (1) Where the volume of containerized household hazardous material improperly discarded is less than fifteen (15) gallons, a conviction for violation of this section

shall subject the violator to penalties as provided for a Class B offense, according to the provisions of Section 130-12 of this chapter.

- (2) Where the volume of containerized household hazardous material discarded is fifteen (15) gallons or greater, or the volume of uncontainerized household hazardous material improperly discarded is greater than two (2) gallons, a conviction for violation of this section shall subject the violator to the penalties for a Class D offense, according to the provisions of Section 130-12 of this chapter.

Section 130-12. Enforcement, violations, and penalties.

- (a) *Authority.* The primary authority and responsibility for the enforcement of the provisions of this chapter shall be vested in the commissioner of public works or his designee, the police, and by other authorized and sworn city personnel. Upon a determination that a person is in violation of this chapter, the commissioner of public works or his designee shall give notice or issue a citation that indicates they are in violation of a section in this chapter.
- (b) Upon a finding that a section of this chapter has been violated, the violator shall be subject to one or more of the penalties provided in this section. The following classifications, when used in this chapter, shall determine the penalty for any violation of any provision of this chapter:
 - (1) *Class A.* Any person or business convicted of a Class A offense under the provisions of this chapter shall be subject to the following penalties:
 - a. *First offense.* A fine not less than \$50.00, or community service not to exceed twenty (20) hours, or both.
 - b. *Second offense.* A fine not less than \$75.00, or community service not to exceed fifty (50) hours, or both.
 - c. *Third offense.* A fine not less than \$100.00, or community service not to exceed one-hundred hours, or both.
 - (2) *Class B.* Any person or business convicted of a Class B offense under the provisions of this chapter shall be subject to the following penalties:
 - a. *First offense.* A fine not less than \$100.00 and not more than \$250.00, or community service not to exceed twenty (20) hours, or both.
 - b. *Second offense.* A fine not less than \$250.00 and not more than \$1000.00, or a minimum confinement in the city jail not to exceed ten (10) days and a probationary period not to exceed thirty (30) days, or both.
 - c. *Third offense.* A fine not less than \$500.00 and not more than \$1000.00, or a minimum confinement in the city jail not to exceed thirty (30) days and a probationary period not to exceed sixty (60) days, or both.

- (3) *Class C.* Any person or business convicted of a Class C offense under the provisions of this chapter shall be subject to the following penalties:
- a. *First offense.* A fine not less than \$250.00 and not more than \$500.00, or community service not to exceed fifty (50) hours and a probationary period not to exceed thirty (30) days, or both.
 - b. *Second offense.* A fine not less than \$500.00, or a minimum confinement in the city jail not to exceed ten (10) days and a probationary period not to exceed thirty (30) days, or both.
 - c. *Third offense.* A fine of \$1000.00, or a minimum confinement in the city jail not to exceed thirty (30) days and a probationary period not to exceed six (6) months, or both.
- (4) *Class D.* Any person or business convicted of a Class D offense under the provisions of this chapter shall be subject to the following penalties:
- a. *First offense.* A fine not less than \$250.00, or a minimum period of confinement in the city jail not to exceed ten (10) days and a probationary period not to exceed thirty (30) days, or both.
 - b. *Second offense.* A fine not less than \$500.00, or a minimum period of confinement in the city jail not to exceed thirty (30) days and a probationary period not to exceed six (6) months, or both.
 - c. *Third offense.* A fine of \$1000.00, or a minimum period of confinement in the city jail not to exceed ninety (90) days and a probationary period not to exceed one (1) year, or both.
- (5) *Class E.* Any person or business convicted of a Class E offense under the provisions of this chapter shall be subject to the following penalties:
- a. *First offense.* A fine not less than \$500.00, or a minimum confinement in the city jail not to exceed sixty (60) days and a probationary period not to exceed one (1) year, or both.
 - b. *Second offense.* A fine not less than \$750.00, or a minimum confinement in the city jail not to exceed ninety (90) days and a probationary period not to exceed one (1) year, or both.
 - c. *Third offense.* A fine not less than \$1000.00, or a minimum confinement in the city jail not to exceed six (6) months and a probationary period not to exceed one (1) year, or both.
- (6) *Additional penalties.* In addition to the penalties prescribed above, the following penalties may be imposed:
- a. *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this chapter shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating any violation of this chapter.



b. *Businesses with contracts with the City.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this chapter, the city may terminate the contract by giving written notice of the termination to the person or business, according to the terms of the contract.

c. *Impounding of motor vehicles.*

1. A motor vehicle that is used in any violation of this chapter shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty equal to the total cost incurred by the City for the towing and storage of the vehicle and in addition to any other penalties imposed under this section.

2. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing.

d. *Publication of names.* The court may publish the names of persons convicted of a violation of this chapter.

e. *Litter removal.* The court may also direct the removal of any litter or other solid waste according to the following provisions:

1. *First offense.* The violator may be directed to pick up and remove from any public street or highway or any public right-of-way for a distance not to exceed 800 meters any litter the violator has deposited thereon and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.

2. *Second offense.* The violator may be directed to pick up and remove from any public street or highway or any public right-of-way for a distance not to exceed one mile any and all litter the violator has deposited thereon and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.

3. *Third offense.* The violator may be directed to pick up and remove from any public park, private right-of-way or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property, upon which it can be established by competent evidence that the violator has deposited or dumped litter, any and all litter deposited or dumped thereon by anyone prior to the date of the execution of sentence.

(c) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable Federal, State or local law and the department may seek cumulative remedies.

- (d) *Each day a separate offense.* Each day any violation of any section of this chapter exists shall constitute a separate offense.

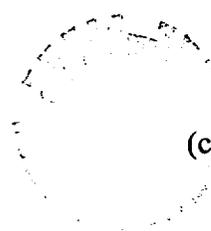
Sections 130-13—130-35. Reserved.

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SYSTEM

DIVISION 1. GENERALLY

Section 130-36. Removal of yard trimmings.

- (a) *Generally.* No collection of yard trimmings shall be made by the department of public works from any residence, business or dwelling where the yard trimmings are the result of or includes:
- (1) Business or manufacturing in which the occupant may be engaged;
 - (2) Business or service conducted by others working under contract or agreement with the occupant;
 - a. The department of public works will not collect tree trunks, stumps, limbs and trimmings generated by tree surgeons and/or any commercial entity engaged in tree trimming or removal. The removal and proper disposal of any and all such tree trunks, stumps, limbs and trimmings generated by tree surgeons and/or any commercial entity engaged in tree trimming or removal shall be the responsibility of the said commercial entity.
 - b. The department of public works will not collect any matter generated by any landscaping development or landscaping maintenance and/or any commercial entity engaged in landscaping development or maintenance. The removal and proper disposal of any and all such matter generated by any landscaping development or landscaping maintenance and/or any commercial entity engaged in landscaping development or maintenance shall be the responsibility of the said commercial entity.
 - (3) Yard trimmings not generated at the dwelling.
- (b) *Curbside yard trimmings collection.* It shall be mandatory for each occupier of single-family residential property in the city to prepare and place any yard trimmings intended for removal by city personnel through the City's curbside program, separately and distinguishable from rubbish, trash and garbage, in accordance with the provisions of this article.

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- (c) The department of public works may remove yard trimmings from the premises of residents if such yard trimmings are prepared for removal in accordance with subsection (d), and is separately placed for removal in accordance with subsection (f).
- (d) *Authorized containers.* Yard trimmings shall be placed in proper, separate bags or containers, the adequacy of which for identification of contents and the facilitation of removal by city personnel must be approved by the commissioner. Kraft paper bags placed for yard trimmings collection, when full, are not to exceed fifty (50) pounds in weight. Reusable containers or receptacles used for the disposal of yard trimmings may not exceed a volume of thirty-two (32) gallons.
- (e) *Uncontainerized yard trimmings.* The department of public works will not be required to collect any uncontainerized yard trimmings or bulk yard trimmings including tree branches, tree trunks, and heavy brush and other materials that cannot be containerized. This includes, food waste, plastics and synthetic fibers, lumber, any wood or tree limbs over six (6) inches in diameter or four (4) feet in length, human or animal excrement, and yard trimmings or soil contaminated with household hazardous materials or hazardous materials.
- (f) *Placement.* All yard trimmings intended for removal by the City of Atlanta through its curbside service shall be placed either between the sidewalk and curb or in a place approved by the commissioner or his designee as accessible for removal by city personnel.
- (g) *Collection schedule.* The commissioner of public works or his designee shall establish a schedule for the collection and removal of yard trimmings from single-family residential dwellings.
- (h) *Exempted circumstances.* The commissioner is authorized to waive the requirements for preparation of yard trimmings and to provide collection service for organized community clean-up programs which are coordinated with the department of public works, for events that include but are not limited to the clean-up of massive property destruction resulting from fires and the like, and following natural disasters, such as storms, hurricanes, and tornadoes.
- (i) It shall be unlawful for any person to place yard trimmings for removal by city personnel that is not prepared, placed and separated as required by this ordinance. It shall be the duty of the commissioner or his designee to notify the property owner or occupant, in writing, to remove all yard trimmings not prepared and placed as required by this section, at the property owner's or occupant's expense, or to prepare it in accordance with this article. Upon failure of the property owner or occupant to remove or prepare such yard trimmings within the time set forth in the notice, the property owner or occupant shall be subject to any penalties for a Class A offense according to the provisions of Section 130-12 of this chapter.

- (j) *Residential composting.* Residents not placing yard trimmings for disposal through the curbside collection may use residential composting provided that the composting:
- (1) Occurs on the residential premises where the waste organic matter was generated;
 - (2) Is conducted in accordance with accepted composting practices;
 - (3) Is conducted in accordance with applicable federal, state and local laws and regulations;
 - (4) Does not generate offensive odors or provide a source of food or harborage for vermin and other pests; and
 - (5) Does not create a public or private nuisance.

Section 130-37 Removal of residential garbage from single-family dwellings.

- (a) *Generally.* No collection of garbage or other refuse matter shall be made by the department of public works from any residence where the refuse matter is the result of:
- (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains construction and demolition wastes; and
 - (4) Yard trimmings may be set out for separate curbside collection, subject to the provisions of section 130-36 of this code, but shall not be mixed with garbage for disposal.
- (b) *Garbage receptacles and containers.*
- (1) *Required.* Any and all garbage generated within or upon any single-family residential premises in the city shall be placed in garbage receptacles or containers supplied by the city or as otherwise authorized by this section, and shall be stored in such containers on the premises where generated until disposed of in accordance with the provisions of this section and this chapter.
 - (2) *Ownership.* Ownership of the receptacles will be retained by the city, and the receptacles shall not be removed from the residence to which they are assigned.
 - (3) *Reasonable Care.* All persons shall use reasonable care in the handling of the containers supplied by the City of Atlanta and shall be responsible for the repair or replacement of containers they damage or destroy through their own negligence. The City of Atlanta shall be responsible for ordinary wear and tear. Any residential container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the owner of the residence to which the container is assigned.
 - (4) *Identification.* Where more than one family occupies a dwelling, the garbage receptacles shall be marked so as to indicate the family using the particular garbage receptacle. The receptacle may be identified by putting the dwelling number thereon or the name of the person having control of the disposal of the garbage in the household. When receptacles are so identified, the receptacle may be used only by the person whose name or other identification is shown thereon.

(5) *General requirements.*

- a. All garbage containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
- b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container.
- d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odor-proof.
- e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a manner that does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.

(6) *Location.* Receptacles provided to residences as provided in subsection (b)(1) and (6) of this section shall be placed in the area between the sidewalk and curb or in an accessible place approved by the commissioner.

- a. No person shall place any garbage container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- b. Containers shall not be placed at the curbside before 7:00 p.m. on the day preceding the collection day and shall be removed from the curbside before 7:00 p.m. on the collection day.
- c. Exceptions to this subsection may be granted by the commissioner for persons with physical limitations that prevent placement of the garbage receptacles at the curb, provided these persons submit a written request for the collection.
- d. Extra garbage shall not be placed for collection in amounts exceeding five (5) properly marked bags or containers in a linear area not to extend beyond a total of ten (10) feet.

(7) *Time of collection.* The commissioner of Public Works or his designee shall provide a schedule to each residence receiving garbage collection service from the city that shall indicate the days on which collection will be made.

(c) *Back yard collection service.*

- (1) *Application.* Within the month of December of each year, citizens may make written application to receive back yard garbage removal service to commence in the first week of the month succeeding that in which application is made. Individual citizens may arrange for this back yard garbage removal service by making written application to:

Bureau of Solid Waste Services
1540 Northside Drive, N.W.
Atlanta, Georgia 30318

- (2) *Payment.* Any application for back yard garbage removal service shall be accompanied with the payment in conformity with section 130-84(d) which shall cover the cost of such service to be rendered for a one-year period until the following December 30.
- (3) *Exception.* All persons having physical limitations which prevent placement of garbage receptacles at the curb are entitled to receive back yard garbage collection service without charge, provided the following requirements are met:
- a. *Age only criteria.* Any residence where there are no persons between the ages of 12 and 70 capable of placing garbage at the curbside.
 - b. *Physical condition criteria.* Each person between the ages of 12 and 70 at a residence not capable of placing garbage at the curbside must present a certificate from a physician licensed to practice medicine by the state stating that such person is physically incapable of placing garbage at the curbside.
- (4) *Waiver of fee.* Those persons qualifying under subsection (c)(3) of this section will not be required to pay the fee otherwise required for back yard garbage collection.
- (5) *Recertification.* Annually, all persons qualifying for back yard garbage collection service under subsection (c)(3) of this section must be recertified as to physical condition preventing the placing of garbage at the curbside.
- (d) *Dangerous accumulation prohibited.* No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any premises or location in the city owned, leased or rented by such person or in such person's possession or control, in such manner that:
- (1) Creates a fire hazard dangerous to person or property;
 - (2) Becomes unreasonably offensive or dangerous to the public peace, health or safety;
 - (3) Promotes the propagation, harborage, or attraction of rodents, vermin or pests; or
 - (4) Becomes a public or private nuisance.
- (e) *Improper placement of garbage.* Any owner or agent of the owner of any single-family residential property improperly placing or allowing any tenant to improperly place any garbage, debris or other solid waste for collection by the City, according to



the provisions of this section, shall be subject to any penalties provided for a Class A offense, according to the provisions of Section 130-12 of this chapter.

Section 130-38. Removal of residential garbage from multi-family dwellings.

- (a) *Generally.* No collection of garbage or other refuse matter shall be made by the department of public works from any premises where the refuse matter is the result of:
- (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains building material.
 - (4) Yard trimmings may be set out for separate curbside collection, but shall not be mixed with garbage for disposal.
- (b) *Limitation on multi-family dwellings.* The department of public works shall not be required to collect garbage or other solid waste from multi-family dwellings, including public housing, containing six (6) or more residential units. Exceptions shall be approved and permitted by the Commissioner of Public Works or his designee.
- (c) *Garbage receptacles and containers provided by the City of Atlanta.*
- (1) *Required.* Any and all garbage generated within or upon any multi-family residential premises in the City shall be placed in garbage receptacles or containers authorized by this section or those supplied by the City through the curbside collection service of the City, and shall be stored in such containers on the premises where generated until disposed of in accordance with the provisions of this section.
 - (2) *Ownership.* Ownership of any receptacles provided by the City of Atlanta as a part of its municipal solid waste collection will be retained by the city, and the receptacles shall not be removed from the residence to which they are assigned.
 - (3) *Reasonable Care.* All persons shall use reasonable care in the handling of the containers supplied by the City of Atlanta and shall be responsible for the repair or replacement of containers they damage or destroy through their own negligence. The City of Atlanta shall be responsible for ordinary wear and tear. Any residential container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the owner of the residence to which the container is assigned.
 - (4) *Identification.* Where more than one family occupies a dwelling, any garbage receptacles provided by the City shall be marked so as to indicate the family using the particular garbage receptacle. The receptacle may be identified by putting the dwelling number thereon or the name of the person having control of the disposal of the garbage in the household. When receptacles are so identified, the receptacle

may be used only by the person whose name or other identification is shown thereon.

(5) *General requirements.*

- a. All garbage containers used in the City shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
- b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container.
- d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odorproof.
- e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a manner which does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.

(6) *Extra garbage prohibited.* Any containerized or uncontainerized extra garbage must be contained within the enclosed container provided for the collection of garbage through the curbside collection program of the City of Atlanta. The Department of Public Works shall not be required to collect any containerized or uncontainerized extra garbage placed outside of the enclosed container provided for the collection of garbage through the curbside collection program of the City of Atlanta.

(7) *Location.* Receptacles provided to residences as provided in subsection (b) of this section shall be placed in the area between the sidewalk and curb or in an accessible place approved by the commissioner.

- a. No person shall place any garbage container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- b. Containers shall not be placed at the curbside before 7:00 p.m. on the day preceding the collection day and shall be removed from the curbside before 7:00 p.m. on the collection day.
- c. Exceptions to this subsection may be granted by the commissioner for persons with physical limitations which prevent placement of the garbage receptacles at the curb, provided these persons submit a written request for the collection.

(8) *Time of collection.* The commissioner of Public Works or his designee shall provide a schedule to each residence receiving garbage collection service from the city that shall indicate the days on which collection will be made.

(d) *Containers provided by private solid waste contractors for use at multi-family dwellings including apartment houses, townhouses, condominiums and public housing.*

(1) *Sufficient number required.* Upon the premises of any multi-family dwelling not permitted for collection by the City of Atlanta, the owners of any multi-family dwelling, including public housing, condominiums and townhouses consisting of six (6) or more living units, shall furnish commercial containers in sufficient number to adequately contain the garbage and refuse disposal at the location. The type, size, number and location of these commercial containers required shall be subject to the approval of the commissioner, but in no instance shall a container be less than a four-yard commercial container.

(2) *General requirements for solid waste disposal containers provided by privately operated solid waste contractors.* All garbage containers used and maintained in the City shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.

(3) *Maintenance of containers used at apartment houses.*

- a. It shall be the responsibility of the owner of any multi-family dwelling, including public housing management, to maintain all garbage and trash containers serving the owner's property in a clean and sanitary manner. All garbage and trash containers serving the owner's property must be kept free of obnoxious odors, maggots, insects and rodents or any other conditions which may render them unhealthy to the occupants of the apartments or to the neighborhood or to the surrounding community.
- b. It shall further be the responsibility of the apartment house owner, including public housing management, to see that all containers serving the owner's property are kept in good repair at all times and that the doors and lids of the containers be properly closed when not in use. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
- c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container. It shall further be the responsibility of the apartment house owner, including public housing management, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.

- d. After January 1, 2004, any dumpster or other solid waste handling areas and any such accessory use or structure located on the premises of any multi-family residential premises shall be screened on three sides by planting materials, a fence or wall of a height not less than six (6) feet tall and not more than eight (8) feet, from the public view of any public right-of-way and any abutting properties. Any variance to the requirements of this subsection shall be approved by the Commissioner of Public Works or his designee.
- (e) *Recycling containers provided for use at apartment houses, town houses, condominiums, public housing, and other multi-family dwellings.*
- (1) The owners of any multi-family dwelling, including public housing, condominiums and townhouses consisting of six (6) or more living units, shall further furnish commercial containers, in a sufficient number, for the collection of recyclables, including, at a minimum, the materials the city collects as part of its curbside recycling program, which materials include glass, plastics, newspapers, aluminum cans, and to provide for their collection.
 - (2) All recycling containers used and maintained in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of recyclable materials in plastic bags, the bags shall have sufficient size and strength to hold the materials and shall be designed for the containment of solid waste.
 - (3) Owners subject to this subsection shall have until January 1, 2004 to comply with its requirements, after which time the enforcement provisions of subsection (g) of this section.
 - (4) All recycling programs that are fully funded by the owner, agent of the owner or management company of any multi-family residential property will not be subject to any additional fees by the city.
- (f) *Plans of apartment houses to show locations of containers.* Plans and specifications for the construction of all multi-family dwelling permitted after the passage of this ordinance shall be required to set aside space for solid waste containers and recycling containers used for the collection of solid waste and recyclable materials on the premises. Any applicant for a non-residential building permit shall submit plans to the Commissioner of Public Works or his designee, providing the locations of all space designated for solid waste containers and recycling containers. The approval of the commissioner shall be a condition precedent to the issuance of a building permit by the director of the Bureau of Buildings.
- (1) The location of any space for each of these containers must be indicated on any submitted plans even if containers are not proposed as the primary method of solid waste collection.
 - (2) As a condition for the approval of any building permit for any new multi-family dwelling, all plans submitted by the applicant to the Commissioner of Public Works must demonstrate that the space allocated for any proposed development

shall be of a size necessary to locate and service a sufficient volume of containers to contain any solid waste or recyclable materials generated on the premises.

- (3) The location of any solid waste container or recycling container cannot in any way impede normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.

(g) *Enforcement and penalties.* If the owner or agent of the owner of any multi-family dwelling, including an owner of public housing, condominiums and townhouses consisting of six (6) or more living units, is found in violation of any of the provisions of this section, it shall be the duty of the commissioner to give notice to the owner to abate the violation within a stated period of time not to exceed seven (7) days.

- (1) Failure of the owner or agent of the owner to comply with the provisions of any notice to abate, as provided in this subsection, shall subject the owner or agent of the owner to any penalties provided for a Class B offense, according to the provisions of Section 130-12 of this chapter.
- (2) Each day's failure or refusal to comply with the order, after expiration of the time allowed in which to remove or abate the nuisance, shall constitute a separate offense.

(h) *Removal of tenant property.* Owners or agents of the owner shall be responsible for items removed from real properties rented or leased to others and placed in residential yards, rights-of-way, or adjacent commercial structures.

- (1) Any such items remaining on or within the public right-of-way for a period of three (3) days or more following removal from any real property rented or leased to others may be removed by the Department of Public Works.
- (2) *Recovery of costs.* Any owner or agent of the owner of any multi-family residential dwelling within the City of Atlanta shall be liable to the City for the total amount of all costs and expenses incurred by the City in removing such items placed in the right-of-way or otherwise abating any violation of this section.

Section 130-39. Containers and receptacles left on streets.

(a) *Prohibited.* Containers and receptacles containing garbage or other refuse shall not be left for collection upon any street, sidewalk, avenue or other public place, except as specifically provided in section 130-36, 130-37 or 130-38.

(b) Any solid waste or recycling container shall not:

- (1) Obstruct any portion of the stormdrain system of the City of Atlanta; or
- (2) Obstruct the flow of stormwater into the stormdrain system of the City of Atlanta.

(c) *Enforcement.* Violation of this section shall be subject to the penalties as provided for a Class A offense, according to the provisions of Section 130-12 of this chapter.

Section 130-40. Removal of bulky items, mixed debris piles and rubbish.

- (a) *Generally.* No collection of bulky items, mixed debris piles and rubbish shall be made by the Department of Public Works from any resident, business or dwelling where the bulky items, bulk yard trimmings or rubbish is the result of or includes:
- (1) Business or manufacturing in which the occupant may be engaged;
 - (2) A lot that has been cleaned for the erection of a building; or
 - (3) Debris that is the result of repairs or rebuilding or any admixture that contains and construction and demolition waste.
 - (4) Debris or items that have been removed from any real property rented or leased to others by any owner or the agent of any owner.
- (b) It shall be mandatory for each occupier of residential property in the city to prepare and place any bulky items, bulk yard trimmings or rubbish for removal by city personnel in accordance with the provisions of this article.
- (c) The Commissioner of Public Works or his designee may determine items eligible for pickup under the City of Atlanta's program for collection of bulky items, mixed debris piles and rubbish. The Bureau of Solid Waste Services may decline to accept such items that contain or have been contaminated by hazardous wastes, household hazardous wastes or other materials not defined here.
- (d) *Monthly collection schedules.* Monthly, scheduled collection of bulk item, mixed debris piles and rubbish will occur according to the schedule established by the Commissioner of Public Works or his designee.
- (e) *Special pickup.* The Commissioner of Public Works or his designee will establish a procedure by which residents may contact the Department of Public Works to request the special pickup and removal of bulky items, mixed debris piles and rubbish in addition to the regularly scheduled quarterly pickup.
- (f) Bulky items, mixed debris piles and rubbish shall not be placed at the curbside more than twenty-four (24) hours preceding the appointed pick-up period.
- (g) It shall be unlawful for any person to place bulky items, mixed debris piles and/or rubbish for removal by city personnel which are not prepared, placed and separated as required by this ordinance.
- (1) It shall be the duty of the commissioner or his designee to notify the property owner or occupant, in writing, to remove all bulky items, mixed debris piles and/or rubbish not prepared and placed as required by this section, at the property owner's or occupant's expense, or to prepare them in accordance with this article.
 - (2) Upon failure of the property owner or occupant to remove or prepare such bulky items, mixed debris piles and/or rubbish within the time set forth in the notice, the



property owner or occupant shall be subject to prosecution as provided in sections 130-2—130-12 of this Code of Ordinances.

(h) *Requirements for special events.* Under certain conditions, the City of Atlanta may offer special collection for neighborhood and community cleanup events. A neighborhood or community recognized by the Planning Department of the City of Atlanta may apply to the commissioner to be approved for special collection if the event:

- (1) Is the only such request from the neighborhood or community for the calendar year;
- (2) Supports the goals of the City for cleaner neighborhoods and a cleaner environment;
- (3) Does not supplant any current or existing agency responsibilities or activities;
- (4) Provides a benefit to the community or neighborhood and the City; and
- (5) Complies with any other guidelines established by the Commissioner of Public Works or his designee.

Section 130-41. Cardboard containers and similar articles.

Pasteboard boxes, cardboard boxes or other similar containers desired to be collected for recycling shall be prepared in the following manner:

- (1) Cardboard boxes, cardboard boxes or other similar containers shall be flattened, cut if necessary and tied in bundles not exceeding fifty (50) pounds and having no dimension exceeding thirty-six (36) inches;
- (2) The bundles shall be stacked in a manner that would permit convenient removal and placed in a location designated by the commissioner;
- (3) Garbage, bits of paper and other debris shall not be placed in such containers or bundles.

Section 130-42. Night garbage collection.

- (a) *Authority.* Whenever the commissioner shall decide that the best interest of the public will be served by collection of garbage or refuse from certain areas in the city at night, the Commissioner shall order the Department of Public Works to make those collections.
- (b) *Notice.* The commissioner at the same time shall notify the occupants of all places of business within the designated area to place their refuse bags and bundles on the margin of the sidewalks between the hours of 5:00 p.m. and 7:30 p.m. each day or in an assigned area and according to a time schedule as determined necessary by the commissioner. All persons so notified shall comply with the order of the commissioner and shall place the bags and bundles as designated within these hours.

Section 130-43. Removal of solid waste from commercial or industrial properties.

- (a) *Permit for collection by the city.* No collection of garbage or other refuse matter shall be made by the City of Atlanta through its curbside collection program from any commercial or industrial premises without a special permit from the Commissioner of Public Works. All garbage to be collected by the City from permitted commercial and industrial service units shall be contained and placed according to any provisions provided by the special permit issued by the Commissioner of Public Works.
- (b) *Dangerous accumulation prohibited.* No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any commercial or industrial premises or location within the city owned, leased or rented by such person or in such person's possession or control, in such manner that:
- (1) Creates a fire hazard dangerous to person or property;
 - (2) Becomes unreasonably offensive or dangerous to the public peace, health or safety;
 - (3) Promotes the propagation, harborage, or attraction of rodents, vermin or pests; or
 - (4) Becomes a public or private nuisance.
- (c) *Private collection required.* The owner or agent of the owner of any commercial and industrial premises not permitted to receive garbage collection service from the City of Atlanta shall contract with a private contractor for the collection, transportation and disposal of all solid waste generated upon the premises.
- (d) *Acceptable containers.* Garbage to be collected by private garbage collection firms operating under a permit granted by the City of Atlanta shall be placed in plastic or other impervious containers subject to the following requirements:
- (1) *General requirements.*
 - a. All garbage containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling. In any case where the provisions of this section permit the storage of garbage in plastic bags, the bags shall have sufficient size and strength to hold the garbage and shall be designed for the containment of solid waste.
 - b. Except when garbage is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed so as to prevent the escape or leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
 - c. The garbage generator shall not cause or permit any garbage container to be filled in any manner that causes or allows garbage to overflow from the container.
 - d. The garbage generator shall keep the garbage container clean and sanitary, shall treat the garbage container in such manner and to such extent and with

such substance as may be necessary to repel and keep away flies and rodents, and shall keep the garbage container odorproof.

- e. The garbage generator shall not cause or permit garbage to be so compacted or otherwise placed, kept or accumulated in any garbage container in a manner which does not allow the contents of the garbage container to fall out, by their own weight, upon the container being lifted and turned upside down.

(2) *Maintenance of containers used at commercial and industrial premises.*

- a. It shall be the responsibility of the owner of any commercial or industrial premises, to maintain all garbage and trash containers serving the owner's property in a clean and healthful manner, free of obnoxious odors, maggots, insects and rodents or any other conditions which may render them unhealthy to those upon the premises or to the surrounding community.
- b. It shall further be the responsibility of the owner of any commercial or industrial premises, to see that all containers serving the owner's property are kept in good repair at all times and that the doors and lids of the containers be properly closed when not in use.
- c. It shall further be the responsibility of the owner of any commercial or industrial premises, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.
- d. After January 1, 2004, any dumpster or solid waste container and any such accessory use or structure located on the premises of any commercial or industrial premises shall be screened on three sides by planting materials, or a fence or wall of a height not less than six (6) feet tall and not more than eight (8) feet, from the public view of any public right-of-way and any abutting properties. Any variance to the provisions of this subsection shall approved by the Commissioner of Public Works or his designee.

(3) *Number of receptacles.* Stores, restaurants, hotels, warehouses, institutions, manufacturing and processing plants, and all other commercial and residential premises within the limits of the city shall provide a sufficient number of containers, rooms or refrigerators to contain any accumulation of solid waste generated on the property.

(4) *Location of containers.* All new commercial or industrial construction permitted after the passage of this ordinance shall be required to set aside space for solid waste containers and recycling containers used for the collection of solid waste. Any applicant for a non-residential building permit shall submit plans to the Commissioner of Public Works or his designee, providing the locations of all space designated for solid waste containers.

- a. The location of any space for each of these containers must be indicated on any submitted plans even if containers are not proposed as the primary method of solid waste collection.

- b. As a condition for the approval of any commercial or industrial building permit, all plans submitted by the applicant must demonstrate that the space allocated for any proposed development shall be of a size necessary to locate and service a sufficient volume of containers to contain any solid waste generated on the premises.
- (e) *Penalties.* The owner or agent of the owner of any business or commercial entity found to be in violation of this section shall be subject to any penalties provided for a Class B offense, according to the provisions of Section 130-12 of this chapter.

Section 130-44. Removal of solid waste from show grounds, concerts and outdoor festivals.

- (a) The owner of any lot in the city which is used for a show ground, a circus, concert, outdoor festival, other exhibition, or parking lot within the limits of the city shall provide a sufficient number of containers to contain any accumulation of solid waste generated on the property.
- (b) The owner of any lot in the city which has been used for a show ground, a circus, concert, outdoor festival, other exhibition, or parking lot shall, within twenty-four (24) hours after the show, circus, concert, outdoor festival or other exhibition shall have closed, clear and remove from the lot all solid waste, to the satisfaction of the commissioner of Public Works or his designee.
- (c) Failure to properly remove all solid waste from any lot in the city which has been used for a show ground, circus, concert, outdoor festival or other exhibition shall subject to owner to any penalties for a Class D offense, according to the provisions of Section 130-12 of this chapter.

Section 130-45. Removal of construction and demolition wastes.

- (a) *Disposal procedures.* The Commissioner of Public Works or his designee shall establish and publicize standards and guidelines for the proper disposal of construction and demolition wastes generated by residents, through the curbside collection program of the City of Atlanta.
- (b) *Specifically prohibited.* It is specifically prohibited to improperly dispose of any construction and demolition waste through the municipal curbside collection system.
- (c) *Removal and disposal.* The generator of construction and demolition waste shall be responsible for the proper removal and legal disposal of all construction and demolition waste.
- (d) *Penalties.* Any business, person or commercial entity improperly disposing of construction and demolition wastes or allowing anyone under their control to improperly dispose of construction and demolition wastes shall be subject to any

penalties for a Class B offense according to the provisions of Section 130-12 of this chapter.

Section 130-46. Removal of household hazardous materials.

- (a) *Generally.* No person or business shall improperly dispose of any household hazardous materials through the municipal curbside collection system.
- (b) The generator of household hazardous waste shall be responsible for the proper removal and disposal of all household hazardous materials.
- (c) *Disposal procedures.* The Commissioner of Public Works or his designee shall establish and publicize standards and guidelines for the proper disposal of household hazardous materials through the curbside collection program of the City of Atlanta.
- (d) *City disposal events.* The commissioner of public works or his designee may establish and publicize drop-off events for household hazardous materials that will allow City of Atlanta residents with proper proof of residency to properly dispose or discard household hazardous materials..

Sections 130-47—130-50. Reserved.

DIVISION 2. SOLID WASTE COLLECTION OR TRANSPORTATION

Section 130-51. Collection and transportation of residential garbage and other solid waste.

- (a) *Single-family residential garbage.* No person shall engage in the business of collecting, transporting, delivering or disposing of single-family residential garbage and other solid waste generated by another person within the City of Atlanta without first obtaining a permit to do so, unless considered a self-hauler according to the provisions of this chapter.
- (b) *Multi-family residential garbage.*
 - (1) No person shall engage in the business of collecting, transporting, delivering or disposing of multi-family residential garbage and other solid waste generated upon any multi-family premises containing less than six (6) residential units, or other multi-family residential premises permitted by the City for service by the curbside collection service of the City of Atlanta, without first obtaining a permit to do so, unless considered a self-hauler according to the provisions of this chapter.
 - (2) The owner or agent of the owner of any multi-family dwellings containing six (6) or more residential units shall contract with a private contractor, permitted

according to the provisions of section 130-52 (a), for the collection, transportation and disposal of all solid waste generated upon the premises, unless an exception has been permitted by the commissioner for service by the curbside collection program of the City of Atlanta.

- (3) All vehicles and equipment used by any private contractor for the collection and transportation of solid waste from any multi-family residential premises shall be operated and maintained according to the provisions of section 130-52 (b), (c) and (d).

Section 130-52. Collection and transportation of commercial and non-residential solid waste.

(a) *Permit required.* No person shall engage in the collection or transportation of multi-family residential and non-residential solid waste without having applied for permission therefor and received the approval of the commissioner, in the form of a written permit. Every person or business obtaining permission shall conform to the rules of the department of public works and the provisions of this article. Upon violation of the rules, the permit shall be revoked by the commissioner.

(b) *Vehicles and equipment.* Vehicles and equipment used by any private contractor for solid waste collection and disposal within the City of Atlanta shall be maintained to prevent a sanitary nuisance or safety hazard according to but not limited to the following provisions:

- (1) Vehicles and equipment shall be frequently washed thoroughly with suitable disinfectant and deodorant, and all vehicles shall be washed on the outside.
- (2) Any waste collection vehicles used by a private contractor for solid waste collection and disposal within the city shall not be allowed to stand unattended on a public or private street. The equipment shall be operated so as to minimize interference with vehicular or pedestrian traffic.
- (3) Collection shall be made and the equipment operated and maintained in a manner so as to prevent the dropping or scattering of solid or liquid wastes anywhere except in a lawful solid waste management or disposal site. All waste spilled or scattered from vehicles or equipment shall be immediately picked up or collected by the operator of the vehicle or equipment. Collection vehicles used by any private contractor within the city shall consist of trucks with leak-resistant packer or enclosed bodies and dumpsters shall be covered and leak-resistant, all in good repair.
- (4) All vehicles used for solid waste collection by a private contractor within the city shall be operated and maintained in such condition that the vehicle does not exceed a noise level, during stationary compaction, where it is plainly audible at a distance of two-hundred (200) or more feet from the vehicle.
- (5) All vehicles used for non-residential solid waste collection shall be prominently marked with the name of the business and vehicle number on driver and passenger sides. The vehicle number shall also be marked on the front and rear of the vehicle.

(c) *Collection times.* Collection of non-residential solid waste shall be scheduled by agreement between the private contractor and the commercial or industrial customer, subject to any rules of the Bureau of Solid Waste Services and section 74-137 (b)(4) of the City of Atlanta code of ordinances.

(d) *Provision of service.* Every private contractor may provide collection services to any customer who requests the services of the private contractor and agrees to the terms and conditions of the service agreement between the private contractor and the customer.

a. Any private contractor may refuse service to any customer for failure to pay a just bill or for any substantial refusal to comply with any rules of the Bureau of Solid Waste Services applicable to the customer.

b. Any private contractor refusing service to any customer shall remove any solid waste and solid waste container no more than seven (7) days following the cancellation, interruption, or refusal of service.

(e) *Penalties.* The owner or agent of the owner of any business or commercial entity found to be in violation of this section shall be subject to any penalties provided for a Class D offense, according to the provisions of Section 130-12 of this chapter.

Section 130-53—130-58. Reserved.

DIVISION 3. SOLID WASTE PROCESSING AND DISPOSAL FACILITIES

Section 130-59. Statement of policy.

The City of Atlanta, in exercising the powers granted to it by the State of Georgia, reserves the right to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards. Furthermore, it is the right of the city to regulate or restrict through permits, fees, codes, review boards, or otherwise the construction, use, and maintenance of real or personal property and the emission and disposal thereon or therefrom of any substance that tends to pollute land, water, or air. Therefore, it the purpose of this division to provide in part the regulation necessary to achieve these policy objectives.

Section 130-60. Permit for use.

Any person or business shall be allowed to dispose of solid waste at one of the disposal facilities or transfer stations operated by the city, provided the person:

- (1) Applies for a permit to dispose of solid waste at one of the disposal facilities or transfer stations;
- (2) Meets the standards established by the commissioner;
- (3) Is issued a permit; and
- (4) Pays the fee established by the city.

Section 130-61. Use without permit.

Any person who is a resident of the city shall be allowed to dispose of solid waste, generated upon the residential property of the person, at any transfer stations operated by the city, without permit, subject to the charges established by the City of Atlanta and any restriction set forth in this article.

Section 130-62. Hazardous material disposal.

- (a) No person shall make final disposal or disposition of any hazardous material within the limits of the city.
- (b) No person shall operate or maintain any hazardous material disposal facility within the limits of the city.
- (c) Any person or business found to be in violation of this section shall be subject to the following penalties:
 - (1) A fine of \$1,000.00 and period of imprisonment in the city jail not to exceed six (6) months, and a probationary period not to exceed one (1) year.
 - (2) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
 - (3) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this section shall be liable to the city for up to three (3) times the amount of all costs and expenses incurred by the city in abating a nuisance.
 - (4) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Atlanta may seek cumulative remedies.

Section 130-63. Privately operated solid waste disposal facilities.

- (a) *Permit required.* Any person desiring to establish and operate a solid waste disposal facility within the limits of the city must first obtain an annual Solid Waste Disposal Facility Operating Permit from the Commissioner of Public Works, with the approval of the City Council.

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- (1) The permit shall be renewable annually and must be obtained prior to the issuance of a business license. An annual permitting fee of \$6,500.00, for the purpose of ensuring that a solid waste disposal facility meets the applicable rules as set forth in this section and as set forth by federal and state authorities.
 - (2) Inspections of solid waste disposal facilities shall be performed quarterly at a minimum and additionally as determined necessary by the Commissioner of Public Works.

(b) *Permitted locations.* Within the limits of the City of Atlanta, solid waste disposal facilities are permitted only in areas with a Zoning Classification of I-1 or I-2, subject to the development standards listed below. The establishment and operation of any solid waste disposal facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia. Prior to the issuance of any Solid Waste Disposal Facility Operating Permit as required in subsection (a) of this section, all applications must first receive approval from the Commissioner of the Department of Planning and Community Development.

- (1) *Proposed Land Use and Mitigation Plan.* Prior to the issuance of a Solid Waste Disposal Facility Operating Permit, there must be a Proposed Land Use and Mitigation Plan (hereinafter referred to as "the plan") submitted to the Commissioner of the Department of Planning and Community Development that specifies the anticipated future use of the property upon the cessation or termination of garbage disposal activities, which anticipated use must not be inconsistent with Comprehensive Development Plan as adopted by the City Council.
 - a. The plan must include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of mitigation and establishing the anticipated future use of the property.
 - b. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and a presumed annual inflationary rate of five (5%) percent, and a timetable showing the expected life of the solid waste disposal facility.
 1. The Commissioner of the Department of Planning and Community Development and the Commissioner of Public Works, must determine that the cost estimates presented by the applicant are reasonable estimates of the present cost of any proposed capital expenses.
 2. The applicant must estimate present capital expenses in an amount no less than \$1,000.00 times the number of acres in the proposed solid waste disposal facility site.
- (2) For each property, the Proposed Land Use and Mitigation Plan shall include a Site Compatibility Report containing information including but not limited to the following:

- a. A description, survey, ownership and present zoning of the land involved.
- b. An engineering plan prepared by a professional engineer registered in the State of Georgia, which shall contain:
 1. *Operation plan.* An operation plan shall provide written instructions for the daily operation of the facility. The plan shall be revised when operational procedures change and such revisions shall be filed with the Commissioner of Public Works no less than thirty (30) days before taking effect. The plan shall include detailed procedures where applicable:
 - i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;
 - ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
 - iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
 - iv. Weighing incoming waste;
 - v. Vehicle traffic control and unloading;
 - vi. Method and sequence of filling waste;
 - vii. Waste compaction and application of cover;
 - viii. Operations of gas, leachate, and storm water controls;
 - ix. Groundwater monitoring.
 2. The availability of and equipment for use of a water supply.
 3. The type and capacity of equipment to be used.
 4. Plans for fire, nuisance, water pollution, odor and vermin control.
 5. A diagram and written description of the locations and extent of dikes, earthwork and fill operations.
 6. A hydrological survey.
- c. Such other information as the Commissioner of Public Works may reasonably require including but not limited to the business address of the applicant.
- d. A processing fee of \$200.00 shall accompany the report of each applicant.
- e. Proof of financial ability to perform under the terms and conditions of the proposed permit.

(3) *Generally.* Any applicant for a Solid Waste Disposal Facility Operating Permit shall demonstrate compliance with the following site limitation provisions:

- a. *Operations Impact Buffer Zone.* An Operations Impact Buffer Zone (hereinafter referred to as the impact buffer) shall be maintained upon the



premises to minimize the impact of landfilling and disposal operations on surrounding neighborhoods and communities.

1. Office uses must be a minimum of one-hundred (100) feet from any abutting property line.
 2. All other activities on the solid waste disposal facility site must be located a minimum of two-hundred fifty (250) feet from any abutting real property lines and a minimum of five-hundred (500) feet from the real property line of either any existing residence, or any residence under construction at the time landfilling or disposal operations begin anywhere on the landfill site.
 3. Roads for access to the site may cross the impact buffer so long as roads are located a minimum of one-hundred (100) feet from the real property line of either any existing residence, or any residence under construction at the time landfilling or disposal operations begin anywhere on the solid waste disposal facility site.
 4. Monitoring wells may be located within the impact buffer, so long as monitoring wells are located a minimum of two-hundred fifty (250) feet from the real property line of either any existing residence, or any residence under construction at the time landfilling or disposal operations begin anywhere on the solid waste disposal facility site.
- b. *Vegetative Buffer.* A Vegetative Buffer must be provided between the solid waste disposal facility and any abutting real property line or public street right-of-way. Existing trees and vegetation must be maintained and preserved within 100 feet of any abutting real property lines and any public street right-of-way. Where the natural growth within 100 feet of the abutting real property line or public right-of-way does not effectively screen the solid waste disposal facility site from the view from abutting properties or right-of-way, then screening must be provided.
- c. *Vehicular access.* All applicants for a Solid Waste Disposal Facility Operating Permit must demonstrate compliance with the following traffic and vehicular access provisions:
1. Vehicular access to the facility must be paved and may be provided from any street that is not a residential local or residential collector street. Any access point to the facility must be a minimum of 500 feet from the real property line of any residential property.
 2. A metal fence and gate must be constructed at the entrance to the facility and must be closed and locked when the solid waste disposal facility is not in operation. The entrance to the facility must have an operator or attendant in attendance at all times when the facility is in use.
 3. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

4. Vehicular access to the facility must be of a nature sufficient enough so as to ensure that the normal flow traffic on any street or public right-of-way will not be obstructed or impacted by vehicles entering and exiting the facility.
- d. *Fences.* All solid waste disposal facilities shall be enclosed with a fence not less than eight (8) feet tall and no more than ten (10) feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device, which shall first be approved by the Commissioner of Public Works and the Commissioner of the Department of Planning and Neighborhood Development. The fencing shall be adequate to prevent paper and similar or related refuse or waste from blowing from the solid waste disposal facility onto neighboring or nearby property.
- (c) *Host Fee Reserve Fund.* There is established the Host Fee Reserve Fund (hereinafter referred to as "the fund"). This fund shall be administered by the chief financial officer and the Commissioner of Public Works.
- (1) The owner must place funds in a reserve fund annually, in amounts equal to (a) the estimate of the present costs of the capital expenses increased by the presumed annual inflationary rate of five (5%) percent, divided by (b) the number of years the solid waste disposal facility is anticipated to be open.
 - (2) The first such annual payment into the fund must be made by the property owner prior to commencement of solid waste disposal facility operations, and evidence of such payment in the form of a notarized statement by the property owner, must be presented to the Commissioner of Public Works prior to the commencement of solid waste disposal facility operations.
 - (3) On or before each subsequent anniversary date of such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Commissioner of Public Works a notarized statement from the property owner showing that the payment has been made for the next year of operations of the solid waste disposal facility, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of the annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Commissioner of Public Works and the chief financial officer during each year the solid waste disposal facility is in operation.
 - (4) In the event that the landfill and disposal operations at the site cease prior to the estimated number of years of operation as shown on the submitted timetable, prior to ceasing operations, the property owner must pay all remaining amounts into the fund and present to the Commissioner of Public Works and the chief financial officer a notarized statement showing that such payment has been made and showing the total amount in the fund.
 - (5) With the cessation of landfill and disposal operations at any solid waste disposal facility permitted under this section, and following the final deposit of all mandatory funds, the entire balance of the Host Fee Reserve Fund shall be



assigned to the City of Atlanta for the express purpose of financing all expenses associated with the mitigation and establishment of any future use of the property.

- (d) *Authority of the commissioner; revocation of permits.* All other phases of the operation of a solid waste disposal facility not specifically mentioned in this section shall be subject to the approval of the Commissioner.
- (1) Any and all permits to establish and maintain solid waste disposal facility granted under this section shall be subject to revocation in the discretion of the Commissioner, with the approval of the mayor.
 - (2) With the cessation of landfill and disposal operations at any solid waste disposal facility due to the revocation of any Solid Waste Disposal Facility Operating Permit, the operator of the facility shall be subject to the provisions of subsection (c)(4) and (5) of this section.

Section 130-64. Privately operated solid waste transfer stations, processing and handling facilities.

- (a) A solid waste transfer station is a facility that receives and temporarily stores solid waste as defined by this ordinance at a location other than the generation site, and which facilitates the transfer of accumulated solid waste to another facility for further processing or disposal. This term includes any solid waste handling facility, but does not include recovered materials processing facilities, nor portable storage containers used for the collection of municipal solid waste.
- (b) *Permit required.* Any business or person desiring to establish and operate a solid waste transfer station or processing facility within the limits of the city must first obtain a Solid Waste Transfer Station Operating Permit from the Commissioner of Public Works.
- (1) The permit shall be renewable annually, subject to the approval of the City Council, and must be obtained prior to the issuance of a business license. An annual permitting fee of \$6,500.00, for the purpose of ensuring that a transfer station or processing facility meets the applicable rules as set forth in this section and as set forth by federal and state authorities, shall be paid by the applicant.
 - (2) Inspections of solid waste transfer stations and processing facilities may be performed quarterly, or as determined necessary by the Commissioner of Public Works or his designee.
- (c) *Permitted locations.* Within the limits of the City of Atlanta, solid waste transfer stations and processing facilities are permitted only in areas with a Zoning Classification of I-1 or I-2, subject to the development standards listed below. The establishment and operation of any transfer station or processing facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia.

(d) A Solid Waste Transfer Station Operating Permit shall be issued by the Commissioner of Public Works when an application meets all requirements of this code section. Prior to the issuance of any Solid Waste Transfer Station Operating Permit (hereinafter referred to as "the permit") as required in subsection (a) of this section, all applicants must first receive approval of a special land use permit from the Commissioner of the Department of Planning and Community Development, according to the procedures established by the City of Atlanta.

(1) For each property, a Site Compatibility Report shall accompany each permit application. The Site Compatibility Report shall contain information including but not limited to the following:

- a. A description, survey, ownership and present zoning of the land involved.
- b. An engineering plan prepared by a professional engineer registered in the State of Georgia, which shall contain:

1. *Operation plan.* An operation plan shall provide written instructions for the daily operation of the facility. The plan shall be revised when operational procedures change and such revisions shall be filed with the Commissioner of Public Works no less than thirty (30) days before taking effect. The plan shall include detailed procedures where applicable:

- i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;
- ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
- iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
- iv. Weighing incoming waste;
- v. Vehicle traffic control and unloading;
- vi. Vehicle traffic control and loading;
- vii. Operations of odor controls;
- viii. Operations of storm water controls;
- ix. Groundwater and wastewater discharge monitoring

2. The availability of and equipment for use of a water supply.
3. The type and capacity of equipment to be used.
4. Plans for fire, nuisance, water pollution, odor and vermin control.
5. A diagram and written description of any supplemental or accessory transportation operations.
6. A hydrological survey.

- c. Such other information as the Commissioner of Public Works may reasonably require including but not limited to the business address of the applicant.
- d. A processing fee of \$200.00 shall accompany the report of each applicant.
- e. Proof of financial ability to perform under the terms and conditions of the proposed permit.

(2) *Generally.* Any applicant for a Solid Waste Transfer Station Operating Permit shall demonstrate compliance with the following site limitation provisions:

- a. All on-site processing and transferring of solid waste will be conducted entirely within an enclosed building or buildings.
 - 1. An enclosed building for these purposes is one in which the walls, doors and roof are made of solid materials but may contain accessory structural elements such as windows, properly filtered and controlled ventilation openings, and skylights, each element not exceeding an area of one-hundred (100 ft²) square feet.
 - 2. Doors to any building shall remain closed except to temporarily allow transport vehicles to enter and exit the building.
 - 3. All solid waste transfer stations and processing facilities shall have an operator in attendance at all times when the facility is in operation.
- b. *Operations Impact Buffer Zone.* An Operations Impact Buffer Zone (hereinafter referred to as the impact buffer) shall be maintained upon the premises to minimize the impact of transfer and processing operations on surrounding neighborhoods and communities.
 - 1. The structure within which solid waste transfer or processing operation occur shall be located a minimum of two-hundred fifty (250) feet from any abutting real property lines and a minimum of two-hundred fifty (250) feet from the real property line of any residential property existing at the time the initial application for a permit, as required by Section 130-64(b), is received by the Commissioner of Public Works.
 - 2. All other activities and structures shall be located a minimum of one-hundred (100) feet from any abutting real property line, and a minimum of two-hundred fifty (250) feet from the real property line of any residential property existing at the time the initial application for a permit, as required by Section 130-64 (b), is received by the Commissioner of Public Works.
 - 3. Access roads upon or within the site may cross the impact buffer so long as any roads are located a minimum of one-hundred (100) feet from the real property line of any residential property existing at the time the initial application for a permit, as required by Section 130-64(b), is received by the Commissioner of Public Works.
 - 4. Rail lines and railways upon or within the site may cross the impact buffer so long as any such rail lines and railways upon or within the site are located a minimum of one-hundred (100) feet from the real property line

of any residential property existing at the time the initial application for a permit, as required by Section 130-64(b), is received by the Commissioner of Public Works.

- c. *Vegetative Buffer.* A Vegetative Buffer must be provided between solid waste transfer station or processing facility and any abutting real property line or public street right-of-way.
 1. Existing trees and vegetation must be maintained and preserved within fifty (50) feet of any abutting property line of any real property lines of any property zoned industrial and any public street or right-of-way, and within seventy-five (75) feet of any abutting real property lines of any property not zoned industrial .
 2. Where any portion of any property line of a lot containing a solid waste transfer station or handling facility is within two-hundred fifty (250) feet of any residential property, any existing trees and vegetation must be maintained and preserved within fifty (50) feet of the real property line.
 3. Where the natural growth within the proscribed distance of the abutting real property line or public right-of-way does not effectively screen the site from the view from abutting properties or right-of-way, then screening shall be provided, subject to the approval of the Commissioner of Public Works or his or her designee.

- d. *Vehicular access.* All applicants for a Solid Waste Transfer Station Operating Permit must demonstrate compliance with the following traffic and vehicular access provisions:
 1. Access for motor vehicles to the facility must be paved and may be provided from any street that is not a residential local or residential collector street. Any access point to the facility must be a minimum of two-hundred fifty (250) feet from the real property line of any residential property.
 2. A metal gate shall be installed on the site to prevent unauthorized motor vehicles from entering the facility, and shall be closed and locked when the facility is not in operation. The entrance to the facility must have an operator or attendant in attendance at all times when the facility is in operation.
 3. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
 4. Vehicular access to the facility must be of a nature sufficient enough so as to ensure that the normal flow traffic on any street or public right-of-way will not be obstructed or impacted by vehicles entering and exiting the facility.

- e. *Fences.* All solid waste transfer stations or processing facilities shall be enclosed with a fence not less than eight (8) feet tall and no more than ten (10) feet tall, with openings therein not less than those in two-inch mesh wire or some other similar fencing material or device, which shall first be approved by the Commissioner of Public Works and the Commissioner of the Department of Planning and Neighborhood Development. The fencing shall be adequate to prevent paper and similar or related refuse or waste from blowing from the facility onto neighboring or nearby property.
- f. Solid waste transfer stations and processing facilities must be served by public water and sewer facilities.
- g. Where a lot containing a solid waste transfer station or processing facility is within five-hundred (500) feet of any residential property, the facility may not accept waste on Sunday, or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

(e) *Authority of the Commissioner; suspension or revocation of permits.*

- (1) All other phases of the operation of a solid waste transfer station or processing facility not specifically mentioned in this section shall be subject to the authorization of the Commissioner of Public Works. Such authorization shall not be unreasonably withheld.
- (2) Any and all permits to establish and maintain solid waste transfer stations or processing facilities granted under this section shall be subject to suspension or revocation by the Commissioner for violations of the operations plan submitted in support of the application, or for a violation of other provisions of this code section when such violation poses an imminent danger to the health and safety of the occupants of adjoining properties.
- (3) Any proposed suspension or revocation of a permit issued under this code section shall be provided in writing by certified mail to the operator of the facility, who shall be provided no less than ten (10) business days to remedy the violation.
- (4) In the event the permit is suspended or revoked, the operator of the facility shall have the right to appeal such suspension or revocation to the License Review Board and Mayor.
- (5) During the pendency of such appeal, the facility may continue to operate, provided any conditions the Commissioner determines reasonably pose an imminent threat to human health and safety are abated.

Section 130-65. Environmental damage insurance policy.

- (a) *Required for private landfill facilities and transfer stations.* The Commissioner of Public Works shall require, as a pre-condition of an annual operating permit required under sections 130-63 and 130-64 of this code, all solid waste sanitary landfill facilities and all solid waste transfer stations or processing facilities which are not

operated by governmental agencies to obtain and maintain in force an environmental damage insurance policy, a security bond, a self-insurance certificate or a trust fund certificate in the amount of \$1,000,000.00.

- (b) *Indemnification.* The owners of solid waste sanitary landfill facilities, solid waste transfer stations or processing facilities shall indemnify the city against all claims of damages and responsibilities for cleanup due to environmental degradation of the air, land, surface water and groundwater within the jurisdiction of the city caused by the facility during the period which such owner owned the solid waste landfill, solid waste transfer station or processing facilities.
- (c) *Proof of insurance.* The owner of a solid waste transfer station or processing facility shall show proof of insurance, self-insurance, a trust fund certificate or a security bond before the owner is issued the annual operating permit by the city.
- (d) *Conflict with federal or state requirements.* The requirement for obtaining and maintaining in force an environmental damage insurance policy, a security bond, a trust fund certificate or a self-insurance certificate shall not be construed as usurping the financial requirements established by the United States Environmental Protection Agency or the state environmental protection division for closure and postclosure care of the facilities.

Sections 130-66—130-75. Reserved.

DIVISION 4. RATES AND CHARGES

Section 130-76. Annual review.

- (a) *Annual review.* All fees and charges levied in conjunction with the delivery of services by the City of Atlanta through its Solid Waste Management system shall be reviewed by the Commissioner of Public Works or his designee.
- (b) *Annual Solid Waste Services report.* No later than the first City Council meeting in January of each year, the Commissioner shall file with the Municipal Clerk an annual report of Solid Waste Services in the City of Atlanta, as required by the State of Georgia. The report shall include information including, but not limited to the following:
 - (1) Any information required by the State of Georgia in O.C.G.A. § 12-8-31.1, including, but not limited to the following:
 - a. The amount of solid waste collected, processed, and disposed of in the City of Atlanta;



- b. The progress on the reduction in solid waste, as evidenced by the amount of solid waste disposed at disposal facilities, in the previous year;
 - c. The remaining permitted capacity of disposal facilities;
 - d. Recycling and composting activities in existence;
 - e. Public information and education activities during the previous year; and
 - f. Any other information required by the State of Georgia.
- (2) Any recommended change to the fees and charge levied in conjunction with the delivery of services by the City of Atlanta through its Solid Waste Management system, determined according to the provisions of Section 130-77;
- (3) Specific information regarding the curbside collection program of the City of Atlanta:
- a. The number of single-family residential and multi-family residential units serviced by the City of Atlanta;
 - b. The volume of recovered materials collected by the City of Atlanta through its curbside collection program;
 - c. The volume of yard trimmings collected and disposed from single-family residential customers by the City of Atlanta;
 - d. The number of service calls delivered by the Bureau of Solid Waste Services for the collection of bulky items, mixed debris piles, and rubbish;
- (4) Any other information deemed necessary by the City Council.

Section 130-77. Solid waste service fees.

- (a) *Established.* It is determined necessary for the protection of public health, welfare and convenience of the city to fix and collect solid waste service charges upon the owner of each lot within the city.
- (b) *Determination of amounts.* For the purposes provided in subsection (c) of this section, there is charged and assessed to the owner of each lot within the city a solid waste service charge and assessment payable as provided in this subsection and in the amount determinable as follows:
- (1) The solid waste service charge shall be recommended annually by the Commissioner, subject to the approval of the Council, to provide sufficient revenue for operation of the solid waste collection and disposal system, to pay debt requirements and to provide necessary reserves for debt and improvements as set forth in the annual budget. The solid waste service charge shall be made effective January 1 of each year.
 - (2) No person disposing of waste materials at any solid waste disposal facilities or transfer stations operated by the city, either under a permit or without a permit, shall be relieved from any solid waste service charge assessed by the city.
 - (3) Senior citizen discount. The solid waste services charge made effective January 1 of each year shall provide for a thirty (30%) percent exemption from solid waste

services fees for residential customers who are sixty-five (65) years of age or over and who have an annual household income of \$39,000 or less.

- (c) *Uses of proceeds.* The revenue received from the collection of the charges as authorized in this section, together with all such other revenue derived from the operation of the city's solid waste collection and disposal system, shall be deposited with the Chief Financial Officer and credited to the solid waste enterprise fund and shall be used for the following purposes:
- (1) The operation and maintenance of the solid waste collection and disposal system and incidental expenses connected therewith;
 - (2) To pay debt requirements on revenue bonds issued to provide funds for the construction, improvement or repair of the solid waste collection and disposal system facilities used in connection with the operation of the system;
 - (3) To purchase or lease property; and
 - (4) To provide funds for the necessary reserves for debt and improvements.

Section 130-78. Commercial and industrial surcharge.

- (a) *Established.* All owners of commercial and industrial property or occupants, tenants or lessees when not owner-occupied receiving solid waste collection service from the city shall be charged and assessed a surcharge in addition to any other solid waste service charge if the amounts of these wastes are greater than normal residential amounts.
- (b) *Determination of amounts.* The rates of surcharge established in subsection (a) of this section shall be determined annually by the commissioner and shall be based on the current cost of collection and disposal. A schedule of the surcharges shall be filed with the municipal clerk by the commissioner not later than the second week following adoption of the annual budget and shall be made effective January 1 of each year.

Section 130-79. Junked automobile removal charge.

- (a) *Established.* Any owner of a junked automobile removed by the city shall be charged and assessed a fee for the removal of the automobile.
- (b) *Determination of amounts.* The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current cost of removal of junked automobiles. The charge for removal of automobiles shall be filed with the municipal clerk by the commissioner not later than two weeks following adoption of the annual budget and shall be made effective January 1 of each year.

Section 130-80. Charges for disposal of solid waste at city facilities.

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- (a) *Established.* Any person disposing of solid waste at one of the city's solid waste disposal facilities, except those specifically exempt by section 130-57, will be charged a fee for disposal of solid waste.
- (b) *Determination of amounts.* The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current costs of disposal of solid waste. The schedule of charges for disposal of solid waste shall be filed with the municipal clerk by the commissioner not later than two weeks following adoption of the annual budget. A schedule of these charges will also be posted at the city disposal facilities and shall be made effective January 1 of each year.

Section 130-81. Reserved.

Section 130-82. Fees for recycling.

- (a) A fee of \$30.00 per year is established for the provision of recycling services for each single-family residence and for each unit of duplex, triplex and quadruplex residences.
- (b) All citizens who have less than \$8,000.00 of income per year are exempted from this fee.

Section 130-83. Billing and collection.

- (a) *Solid waste service charge.* The assessment and collection of solid waste service charges as set forth in this division shall be made by the city. The assessment and collection of annual charges shall be made quarterly with the first installment due and payable on January 1. The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.
- (b) *Commercial and industrial surcharge.*
- (1) The assessment and collection of commercial and industrial surcharges as set forth in this division shall be made by the city. The assessment and collection of annual charges shall be made quarterly with the first installment due and payable on January 1. The first installment shall be based on charges established for the previous year. If the charges are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual rate.
 - (2) The tenant occupying or the owner of the commercial and industrial property, as the case may be, shall submit to the city on forms furnished by the city an estimate of the volume of solid waste, either bags or industrial containers with cubic yard sizes, required to be removed during a one-week period and an estimate of the number of collections per week required to remove that waste. The estimates shall be submitted to the city at least 1½ months prior to the quarterly

billing period. The quarterly surcharge shall be based on the estimate so furnished.

- (3) At any one time during any calendar quarter, if a revised estimate is received by the city on a date which is at least seventeen (17) days before the end of the quarter, each industrial and commercial occupant or owner shall have the right to revise the estimate previously submitted to the city so as to amend, modify or change the estimate as to the type of service, the number of pickups per week or the volume of service per pickup.
 - (4) Solid waste collection service by the city may be instituted at any time during the calendar quarter upon the industrial and commercial occupant or owner submitting to the commissioner of public works the estimate as provided in this subsection and a requested date of the commencement of the service.
 - (5) Upon the cessation of any industrial or commercial business, by written notice, any industrial and commercial occupant or owner may discontinue solid waste collection service by the city upon giving written notice of the date the service is to be terminated, provided that the notice is received by the bureau of solid waste services not later than the 15th day of the calendar month preceding the next calendar quarter billing period. The termination date of the service must be subsequent to the date the notice is received by the city.
 - (6) The commissioner of public works shall from time to time, for periods of one week or longer, audit the volume of solid waste being removed from these properties and the number of pickups required for removal and shall thereafter adjust by decreasing or increasing the amount of the surcharge for the property audited so that the surcharge shall conform and be based upon the results of the audit.
- (c) *Junked automobile removal charge.* The assessment and collection of junked automobile removal charges as set forth in this division shall be made by the city. The assessment of these charges for the removal of these automobiles shall be made when the automobile is removed by the city. Payment shall be due and payable within fourteen (14) days of the assessment.
- (d) *Charges for disposal of solid waste at city facilities.* The assessment and collection of charges for disposal of solid waste at city facilities as set forth in this division shall be made by the city. Payment of disposal charges shall be made by coupons purchased from the city before the waste is dumped at the disposal facility.

Section 130-84. Rates and charges.

The following rates and charges are hereby established for solid waste collection and shall become effective July 1, 2003:

- (1) *Residential rate:* \$307.19 per year plus 0.94 cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, 0.67 cents per foot of unpaved street frontage, up to maximum of 200 feet. In calculating the charge, paved frontage is calculated first and then unpaved frontage.

- (2) *Duplex or triplex rate:* As above for each residence, plus \$307.19 per year for each separate living unit in excess of one.
- (3) *Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates:* \$1.63 per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, \$0.67 per foot of unpaved street frontage plus one of the following charges, as appropriate.

- a. \$307.19 per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from individual containers, garbage cans or bags;
- b. \$183.37 per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings is collected from industrial containers;
- c. Where the multi-family dwelling units or apartments are located in building structures with incinerator[s], duly installed and operating therein in accordance with all laws and regulations applicable to incinerators, depositing only incinerator refuse, and if the collection is from industrial containers grouped together, as hereinafter defined, the amount shall be \$53.82 per year for each dwelling unit; if such containers are not grouped together, then the amount shall be \$122.79 per year for each dwelling unit; for the purpose of this section, industrial containers are grouped together when such containers are located physically adjacent with only sufficient space between such containers to permit access and pickup by the city collection equipment without the movement or shifting of any of said containers in order to gain access to any other of said containers;
- d. \$54.87 per year for each dwelling unit to which collection and removal services are made available to collect garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwelling units.

(4) *Residential back yard removal:* \$962.21 per year.

(5) *Mobil home parks:*

- a. *Individual garbage cans:* \$193.35 per year.
- b. *Installed industrial containers:* \$479.42 per year. See subsection (7).

(6) *Commercial and industrial rates:*

- a. \$7.60 per foot of street frontage property located in all areas receiving street cleaning at a frequency of three to six times per week;
- b. \$3.70 per foot of street frontage for property located in all areas receiving special thoroughfare street cleaning (at least once a week) in addition to street cleaning at the same frequency as residential service (once per three weeks);
- c. \$2.89 per foot of street frontage for all other commercial and industrial property receiving street cleaning at the same frequency as residential (once per three weeks);



- d. \$0.67 per foot of unpaved street frontage for commercial and industrial property abutting unpaved streets to cover rubbish collection cost.
- (7) *Public property charge for services that have been contracted:* A flat charge of \$479.42 per year for each parcel in lieu of the frontage charge. For public housing charges, see subsection (3) a.—d. For government buildings garbage collection, see surcharges, subsection (6).
- (8) *Vacant parcels:* A charge based upon street frontage to cover street cleaning and rubbish collection based on the zoning class of the property; residential to be charged as in subsection (1), apartments and other multi-family dwellings to be charged as in subsection (3)d., and commercial/industrial to be charged as in subsection (6).
- (9) *Building of public worship rate:* \$1.26 per square foot of paved street frontage to cover street cleaning and rubbish collection costs; \$0.52 per foot of unpaved street frontage for rubbish collection costs. In addition to the front footage levy listed above, there shall be a charge of \$208.59 per year for solid waste collection from individual containers, garbage cans or bags, or a charge of \$183.37 per year if the solid waste collection is from industrial containers.
- (10) *Minimum; private landfill site and transfer station operations:* A minimum of \$1.10 per ton payable to the city ball private landfill site operations and transfer station operations and transfer station operation located within the city for refuse disposed, collected, handled, processed or reclaimed within the jurisdiction of the city. Fees must correspond with tonnage handled and will be payable quarterly and prior to issuance of annual permits.

As required by O.C.G.A § 12-8-39, all user fees collected in accordance with this subsection shall be deposited in a local restricted account and used solely for solid waste management purposes.

- (11) *Corner lots:* Properties located on corner lots with two or more street frontages will be charged based on the footage of the street frontage which is the legal address of the property.

Sections 130-85—130-100. Reserved.

SECTION 2: The provisions of this ordinance shall take effect on January 1, 2004, and on and after this date, the provisions of this ordinance shall govern solid waste management practices within the City of Atlanta.

SECTION 3: That any fines or penalties collected by the City of Atlanta for any violation of Chapter 130 shall be placed in fund, account and center number 2P01B00001 451401 titled "Fines, solid waste violations."

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JAN 05, 2004
JAN 12, 2004

RCS# 5323
1/05/04
5:00 PM

Atlanta City Council

Regular Session

02-O-2087

AMEND 130- PROVIDE EFFICIENT EQUITABLE
FISCALLY RESPON SOLID WASTE SERVICES
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

02-O-2087