

**A SUBSTITUTE (#2) ORDINANCE
BY CITY UTILITIES COMMITTEE**

A SUBSTITUTE ORDINANCE TO AMEND CHAPTER 130 ARTICLE III “MUNICIPAL COLLECTION AND DISPOSAL SYSTEM” DIVISION 4 SECTION 130-84 “RATES AND CHARGES” AND APPENDIX B OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADJUST THE RATES CHARGED FOR SOLID WASTE COLLECTION SERVICES FOR THE TIME PERIOD BEGINNING JULY 1, 2018; TO UPDATE CERTAIN PROVISIONS TO BRING THE SOLID WASTE CODE INTO COMPLIANCE WITH THE DEPARTMENT OF PUBLIC WORKS SOLID WASTE PLAN; AND FOR OTHER PURPOSES.

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

WHEREAS, 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; and

WHEREAS, the Commissioner of Public Works shall provide an assessment of solid waste services rates, revenue for operations of solid waste collection and disposal systems, debt requirements, and necessary reserves for debt and improvement, subject to the approval of Council; and

WHEREAS, the current solid waste rate structure does not cover the required amounts for solid waste collections, disposal, debt requirements and improvements; and

WHEREAS, the current solid waste rate structure does not adequately cover the cost of providing solid waste services, including, but not limited to, bulk pick-up, right-of way cleaning, street sweeping, dead animal pickup, community cleanups, and the abatement of illegal dumping; and

WHEREAS, it is necessary to adjust the current recycling and solid waste rate structures to implement best practices and meet the future demands of the City’s service area; and

WHEREAS, the Commissioner of Public Works desires to amend Chapter 130 of the City of Atlanta Code of Ordinances so as to adjust the rates charged for recycling and solid waste collection services for the time period beginning July 1, 2018 and to update certain provisions to bring the Solid Waste Code into compliance with the Department of Public Works Solid Waste Plan; and

WHEREAS, effective and consistent ordinances and standards are necessary to ensure the proper management of solid waste within the city.

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

SECTION 1: That Chapter 130, Solid Waste Management, of the City of Atlanta Code of Ordinances shall be amended to include a graduated schedule of rate adjustments for recycling garbage collection and other services for the time period beginning July 1, 2018.

SECTION 2: That Section 130-1 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 feet in diameter and four 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).

Chief of staff means the Chief of Staff to the Mayor of the City of Atlanta, or authorized designee.

City means City of Atlanta.

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.

Container means any receptacle used to accumulate solid waste from residential, commercial and industrial waste generators. Containers vary in size and type according to the needs of the customer.

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 garbage placed in outside the city provided container 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 yard waste.

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 gallons or greater, or uncontainerized improper discharges or deposits of volumes of two 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 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.

~~“Kraft bags” means paper or paperboard (cardboard) produced from chemical pulp produced in the kraft process.~~

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 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 multi-family 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.

Outdoor event means any gathering of 2,000 people or more, including but not limited to a Class A, B, C, or D outdoor festival, and events such as sporting events, circuses, concerts, or exhibitions, and other events that may or may not qualify as an outdoor festival.

Outdoor event property means any property located in the city, including but not limited to a parking lot, where the property has been used for or in conjunction with an outdoor event.

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

***Paper bags* means biodegradable, unlined paper or paperboard (cardboard) produced from chemical pulp produced in the kraft process.**

Permit holder means the individual who is the named recipient of a city permit that authorizes an outdoor event to occur on city-owned property.

Plastic #1 means Polyethylene Terephthalate (PET) which include soft drink, water, and other beverage bottles, detergent and cleaning containers, condiments such as ketchup, salad dressing, peanut butter and other food containers and bottles.

Plastic #2 means High Density Polyethylene (HDPE) which include milk and water jugs, laundry detergents, shampoo bottles.

Plastic #3 means Polyvinyl Chloride (PVC or V) which include clear food packaging, detergents and window cleaner bottles, some plastic squeeze bottles, cooking oil, peanut butter jars.

Plastic #4 means Low Density Polyethylene (LDPE) which include most bottles.

Plastic #5 means Polypropylene (PP) which include deli soups, syrup, yogurt and margarine containers, clouded plastic containers.

Plastic #6 means Polystyrene (PS) which include egg [cartons].

Plastic #7 means mixed plastics (other) which include lids five-gallon water bottles, and "sport" water bottles.

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.

Property owner means the owner, or agent of the owner, of any property located in the city, where the city does not own the property.

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 contamination* means any garbage, bagged recyclables, food, liquids, plastic bags, clothes hangers, Styrofoam, batteries, light bulbs, human waste, animal waste, medical waste, clothes, electronics, cords, hoses, chains, tanks, wood, plastic furniture, metal or such other items as determined by the commissioner that is placed in a recycling container provided by the City.**

Recyclable materials means:

- (a) Those materials, including but not limited to **metal, aluminum, tin**, plastics, glass and paper, which have known use, reuse, or recycling potential, and can be feasibly used, reused or recycled; and
- (b) Those materials limited to metal; plastics numbered 1, 2, 3, 4, 5 and 7; glass; paper; and cardboard, which have known use, reuse, or recycling potential, and can be feasibly used, reused or recycled. This term does not include: food, liquids, plastic bags, clothes hangers, Styrofoam, batteries, light bulbs, and medical waste, or such other items as determined by the commissioner.

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 inches in diameter or four 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.

Yard trimmings bag means lawn-and-leaf ~~craft~~ **paper bags** designed to contain yard trimmings that is no larger than 34 gallons and no heavier than 35 pounds.

SECTION 3: That 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 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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; uncontainerized recyclable materials; 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) Signs in rights-of-way. The commissioner of public works or ~~his~~ **authorized** 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 4: That Section 130-11 Household hazardous materials be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 matter different from the procedures for the proper disposal of household hazardous wastes established by the commissioner of public works or ~~his~~ **authorized** 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.

SECTION 5: That Section 130-36 Removal of yard trimmings be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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;~~
 - (1) 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.

- (2) Yard trimmings not generated at the dwelling.
- (b) Curbside yard trimmings collection. It shall be mandatory for each occupier of single-family residential, **multi-family residential, commercial, and industrial** property in the city to prepare and place any yard trimmings intended for removal by city personnel **or its authorized designate** through the city's curbside program, separately and distinguishable from rubbish, trash and garbage, **and recyclable material** in accordance with the provisions of this article.
- (c) **Collection containers for yard trimmings.**
 - (1) **Ownership.** The City of Atlanta may offer collection containers for yard trimmings. Ownership of any containers provided by the city as a part of its municipal waste collection will be retained by the city, and the containers shall not be removed from the residence or commercial establishment to which they are assigned.
 - (2) **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 container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the owner to which the container is assigned.
 - (3) **Identification.** Where one or more establishment or resident occupies a dwelling, any yard trimming containers provided by the city shall be marked to indicate the establishment or resident using the particular yard trimming container. The container may be identified by putting the dwelling number on the container. When containers are so identified, the container may be used by the identification is shown thereon.
 - (4) **General requirements.**
 - a. All yard trimming 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 yard trimmings in paper bags, the bags shall have sufficient size and strength to hold the yard trimmings and shall be designed for the containment of yard trimmings.
 - b. Except when yard trimmings are being placed into or removed from the container, the generator shall keep the container closed or sealed to prevent the leakage from the container of any yard trimmings or of any offensive vapors, gases or odors.
 - c. The yard trimming generator shall not cause or permit any yard trimming container to be filled in any manner that causes or allows the yard trimmings to overflow from the container.
 - d. The yard trimming generator shall not mix garbage or recyclable materials, or deposit refuse of one type in a collection container designated for another type of refuse.
 - e. The yard trimming generator shall keep the containers clean and sanitary, shall treat the containers 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 containers odor-proof. Yard trimmings shall not be bagged when deposited in yard trimming containers.
 - f. The yard trimming generator shall not cause or permit yard trimmings to be so compacted or otherwise placed, kept or accumulated in any container in a manner

which does not allow the contents of the container to fall out, by their own weight, upon the container being lifted and turned upside down.

- (5) Maintenance of containers.
- a. It shall be the responsibility of the owner of any of premises, to maintain all yard trimming 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 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.
- (d) ~~{Removal by city.}~~ 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 (e), and is separately placed for removal in accordance with subsection (h).
- (e) Authorized containers. Yard trimmings shall be placed in proper, separate yard trimmings bags, 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 35 pounds in weight. Reusable containers or receptacles used for the disposal of yard trimmings may not exceed a volume of 32 gallons visibly marked with YARD TRIMMING on four sides containers provided by the City.~~
- (f) **Extra Yard Trimmings. The department of public works will also collect extra yard trimmings placed in yard trimmings paper bags supplied by the resident which, when full, are not to exceed 35 pounds in weight. Prepaid stickers purchased from the City shall be placed on each paper bag. If a sticker is not placed on a paper bag, the material will be collected at a fee established under Sec. 130-84.- Rates and Charges.**
- (g) 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 four inches in diameter or four feet in length, human or animal excrement, and yard trimmings or soil contaminated with household hazardous materials or hazardous materials.
- (h) 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.
- (i) Collection schedule. The commissioner of public works or **his authorized** designee shall establish a schedule for the collection and removal of yard trimmings ~~from single-family residential dwellings.~~
- (j) 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.
- (k) Preparation prior to pickup. 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 chapter. It shall be the duty of the commissioner or **his authorized** 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.

- (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 6: That Section 130-37 – removal of residential garbage and recyclable materials from single family dwellings be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-37. – Removal of residential garbage and recyclable materials from single-family dwellings.

- (a) Generally. No collection of garbage, recyclable materials, 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~~ **Material** that is the result of repairs or rebuilding by a contractor or any admixture that contains construction and demolition wastes; and
 - (4) Yard trimmings may be **stored in containers on the premises and** set out for separate curbside collection, subject to the provisions of section 130-36 of this Code, but shall not be mixed with or in the ~~receptacles and~~ containers designated for garbage or recyclable materials.
- (b) Collection ~~receptacles and~~ containers for garbage and ~~recycling~~ **recyclable materials**.
 - (1) Required. Any and all garbage or recyclable materials generated within or upon any single-family residential premises in the city shall be separated and placed in the appropriately designated collection ~~receptacles or~~ containers supplied by the city or as otherwise authorized by this section. Garbage shall be bagged and shall be placed only in containers designated for the disposal of garbage and recyclable materials shall be placed only in containers designated for recycling loose and not bagged. **All garbage and recyclable materials, 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) **Garbage collection container size. The department of public works may offer residential garbage and recyclable materials service customers the option to subscribe to different capacity containers for garbage and recyclable materials. The rate for collection will vary depending on the level of service provided. The annual service fee will be established under Sec. 130-84. - Rates and charges.**

- (3) Ownership. Ownership of the ~~receptacles~~ **containers** will be retained by the city, and the ~~receptacles~~ **containers** shall not be removed from the residence to which they are assigned.
- (4) 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.
- (5) Identification. Where **one or more than one** family occupies a dwelling, the collection ~~receptacles~~ **and** containers shall be marked ~~so as~~ to indicate the family using the particular collection ~~receptacle and~~ container. The collection ~~receptacles and~~ containers may be identified by putting the dwelling number thereon ~~or the name of the person~~ having control of the disposal of the garbage and recycling in the household. When ~~receptacles and~~ containers are so identified, the ~~receptacle and~~ container may be used only by the ~~person whose name or other~~ identification is ~~shown~~ thereon.
- (6) General requirements.
 - a. All collection ~~receptacles and~~ 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 or recyclable materials is being placed into or removed from the container, the garbage and recyclable materials generator shall keep every collection ~~receptacle and~~ container closed or sealed ~~so as~~ to prevent ~~the escape or~~ leakage from the container of any garbage, recyclable materials, or other solid waste or of any offensive vapors, gases or odors.
 - c. The garbage and recyclable materials generator shall not cause or permit any garbage or recyclable materials container to be filled in any manner that causes or allows contents to overflow from the container. **Containers shall not be overfilled in a manner that prevents closure of a lid or allows spillage of contents. If a lid cannot be closed, the material will be collected at a fee established under Sec. 130-84. - Rates and charges. If an overfilled bin is set out for pick up more than four times within a 12-month period, resident will be provided with an additional refuse bin at an annual service fee established under Sec. 130-84. - Rates and charges**
 - d. The garbage and recyclable materials generator shall not mix garbage or recyclable materials, or deposit **residential garbage or recyclable materials in a container it is not designated for** ~~refuse of one type in a collection container designated for another type of refuse.~~
 - e. The garbage and recyclable materials generator shall keep the collection ~~receptacles and~~ containers clean and sanitary, shall treat the containers 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 containers odor-proof. Garbage shall be bagged before deposited in garbage containers. Recyclable materials shall not be bagged when deposited in recycling containers.
 - f. The garbage and recyclable materials generator shall not cause or permit garbage or recyclable materials to be so compacted or otherwise placed, kept or accumulated in any

collection receptacle and container in a manner that does not allow the contents of the container to fall out, by their own weight, upon the container being lifted and turned upside down.

- (7) Location. Collection receptacles and containers provided to residences as provided in subsection (b)(1) of this section shall be placed in the area between the sidewalk and curb or in an accessible place approved by the commissioner, which shall be no more than ten feet from the curb. Containers not located within this area will be considered as "not set out" and the city will not be required to collect.
- a. No person shall place any garbage or recyclable materials 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 **or authorized designee** for persons with physical limitations that prevent placement of the collection receptacles and containers 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 properly marked bags or containers not larger than 32 gallons or 35 pounds in weight in a linear area not to extend beyond a total of ten feet.~~ **The Department of Public Works will collect bagged extra garbage placed outside of the enclosed, City-provided container. Any bagged, extra garbage must be placed within a 32-gallon or smaller plastic bags. Prepaid stickers purchased from the City shall be placed on each bag. If a sticker is not placed on a bag the material will be collected at a fee established by the commissioner of public works. If bags without stickers are set out more than four times within a 12-month period, resident will be provided with an additional bin at an annual service fee established under Sec. 130-84. - Rates and charges.**
 - e. Extra recyclable materials shall not be placed for collection in plastic bags of any kind, but may be placed in reusable containers not larger than 32 gallons or 35 pounds in weight in a linear area not to extend beyond a total of ten feet **and four feet wide.**
- (8) **Contamination of Recyclable Material. Inspections will be conducted at random on recyclable materials containers through the "Tag" program. The city will randomly select a route to inspect. Inspectors will be looking inside the recyclable material containers for contaminates that will limit the ability to market recyclables, such as food, diapers, household trash that is not acceptable inside the container. The containers will be emptied if the contamination is not too severe. If significant contamination exists, the container will be tagged and will not be emptied. After a customer has been "Tagged" three times, the customer will be charged the rates as set forth in Sec. 130-84.**
- (9) Time of collection. The commissioner of public works or **authorized his** designee shall provide a schedule to each residence receiving garbage, recyclable materials and yard trimmings collection services 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 and recycling 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 and recycling removal service by making written application to:

Office of Solid Waste Services
55 Trinity Avenue
Suite 4800
Atlanta, Georgia 30303

- (2) Payment. Any application for back yard garbage and recycling 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 and recyclable materials ~~containers receptacles~~ at the curb are entitled to receive back yard garbage and recycling 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 or recycling at the curbside.
 - b. Physical condition criteria. Each person between the ages of 12 and 70 at a residence not capable of placing garbage or recycling at the curbside must present a certificate from a physician licensed to practice medicine by the State of Georgia stating that such person is physically incapable of placing garbage or recycling 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 and recycling collection.
 - (5) Recertification. Annually, all persons qualifying for back yard garbage and recycling collection service under subsection (c)(3) of this section must be recertified as to physical condition preventing the placing of garbage or recycling 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 or other non-recyclable materials in recycling receptacles and containers. It shall be unlawful for any owner or agent of the owner of any single family residential property to improperly place or allow any tenant to improperly place contaminating materials, such as garbage, debris or other solid waste that is not recyclable in collection receptacles and containers designated for recycling collection by the City.

~~Any owner or agent of the owner of any single family residential property who improperly places or allows any tenant to improperly place contaminating materials such as garbage, debris or other solid waste that is not recyclable in collection receptacles and containers designated for recycling collection by the city, according to the provisions of this section, shall be issued a violation notice and contamination awareness notice for the first offense, be issued a courtesy warning ticket for the second offense, and any following violation shall subject the owner or agent of the owner to be issued a citation for violation of this chapter subject to the penalties provided for in provisions of section 130-12 of this chapter, including but not limited to community service and litter removal.~~

SECTION 7: That Section 130-38 – removal of residential garbage and recyclable materials from multi-family dwellings be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-38. – Removal of residential garbage and recyclable materials from multi-family dwellings.

- (a) Generally. No collection of garbage, **recyclable materials** 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~~ **Material** that is the result of repairs or rebuilding or any admixture that contains building material.
 - (4) Yard trimmings may be **stored in containers on the premises and** set out for separate curbside collection, but shall not be mixed with garbage for disposal.
- ~~(b) Limitation on multifamily 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 or more residential units. Exceptions shall be approved and permitted by the commissioner of public works or his designee.~~
- (b) ~~Garbage receptacles and containers provided by the City of Atlanta.~~ **Collection containers for garbage and recyclable materials.**
 - (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 ~~containers receptacles~~ **containers** provided by the City of Atlanta as a part of its municipal solid waste collection will be retained by the city, and the ~~containers receptacles~~ **containers** 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 ~~and recyclables containers receptacles~~ **and recyclables containers** provided by the city shall be marked so as to indicate the family using the particular garbage ~~container receptacle~~ **container**. The ~~container receptacle~~ **container** may be identified by putting the dwelling number ~~on the container for~~ **on the container for** ~~thereon or the name of the person having control of the disposal of the garbage in the household.~~ When ~~containers receptacles~~ **containers** are so identified, the ~~container receptacle~~ **container** may be used only by the person whose name or other identification is shown thereon.
 - (5) General requirements.

- a. All garbage **and recyclable material** 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 **or recyclables material** 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 **and recyclable material** 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 and recyclable material generator shall not mix garbage or recyclable materials, or deposit refuse of one type in a collection container designated for another type of refuse.**
 - e. **The garbage and recyclable material generator shall keep the collection containers clean and sanitary, shall treat the containers 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 containers odor-proof. Garbage shall be bagged before deposited in garbage containers. Recyclable materials shall not be in plastic bags when deposited in recycling containers.** ~~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.~~
 - f. 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~~ **Containers** 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) **Contamination of Recyclable Material. Inspections will be conducted at random on recyclable materials containers through the "Tag" program. The city will randomly select**

a route to inspect. Inspectors will be looking inside the recyclable material containers for contaminants that will limit the ability to market recyclables, such as food, diapers, household trash that is not acceptable inside the container. The containers will be emptied if the contamination is not too severe. If significant contamination exists, the container will be tagged and will not be emptied. After a customer has been "Tagged" three times, the customer will be charged the rates as set forth in Sec 130-84.

- (9) 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~~ **the city** 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 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 **and recyclable material** containers ~~provided by privately operated solid waste contractors~~. All garbage **and recyclable material** 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. **Recycling material shall not be in plastic bags when deposited in recycling containers.**
- (3) Maintenance of containers used at ~~apartment houses~~ **multi-family dwellings**.
- a. It shall be the responsibility of the owner of any multi-family dwelling, including public housing management, to maintain all garbage and **recyclable material** ~~trash~~ containers serving the owner's property in a clean and sanitary manner. All garbage and **recyclable material** ~~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. **Containers shall not be overfilled in a manner that prevents closure of lids or allows spillage of contents. If a lid cannot be closed, the material will be collected at a fee established under Sec. 130-84. If an overfilled bin is set out for pick up more than**

four times within a 12-month period, owner will be provided with an additional refuse bin at an annual service fee established under Sec. 130-84. - Rates and charges

- 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 feet tall and not more than eight 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 **authorized his** designee.
- (e) Recycling containers provided for use at apartment houses, townhouses, condominiums, public housing, and other multifamily dwellings.
- (1) The owners of any multi-family dwelling, including public housing, consisting of six or more living units, or the owners' association of condominiums or townhouses consisting of six or more living units, shall ~~furnish commercial use~~ **city-provided** containers **or those provided by its authorized designee** 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 **paper** and ~~metal~~-aluminum cans. The capacity of the containers shall be adequate to hold the recyclable material of residents of the multi-family dwelling and shall be of a size not less than three gallons multiplied by the number of living units.
- ~~(2) Owners and associations subject to this section shall have until July 1, 2008 to comply with its requirements, after which time the enforcement provisions of subsection (g) of this section shall apply.~~
- ~~(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 containers to contain any solid waste as prescribed in section 130-38(d)(1) and recyclable materials as prescribed in section 130-38(e)(1) generated on the premises.
- (3) The location of any solid waste container and/or recycling container cannot in any way impede normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- (4) Each owner or association shall be required to submit, or cause to be submitted on their behalf by a management company or other representative, an annual report to document the amount of

~~recyclables~~ **recyclable materials** collected, as well as any other reports reasonably requested by the city. Reports shall contain at a minimum the following information:

- (a) Name of owner, association or person or entity responsible for the supervision of the recycling program;
- (b) Address of building(s);
- (c) Number of living units;
- (d) Name and address of company providing collection services;
- (e) The frequency of collection and the size and average number of recycling containers located on the property.
- (f) **The report shall be delivered on or before January 30 of the following year to:**

**Office of Solid Waste Services
55 Trinity Avenue
Suite 4800
Atlanta, Georgia 30303**

- (5) In the case of conversions of existing apartment complexes to condominiums pursuant to O.C.G.A. § 44-3-87 et seq. and retrofits of other existing buildings into multi-family living units a request can be made to the commissioner of public works for a waiver from the recycling requirements in section 130-38(e)(1). No waiver shall be granted unless an applicant can prove that it is physically impossible or economically unreasonable to add additional space on the site that could hold containers required by section 130-38(e)(1).
- (g) Enforcement and penalties. The commissioner of public works, or ~~his~~ **authorized** designee, shall give written notice to the owner or the owner's association in the case of condominiums and townhouses if the owner or agent of the owner of any multi-family dwelling, including an owner of public housing, is found in violation of any provisions of this section. The written notice shall state that the owner or owner's association shall abate the violation within ninety (90) calendar days of the date of the notice. The commissioner of public works shall provide a written report of such notices to the city utilities committee each quarter.
 - (1) 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 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 8: That Section 130-39 – Containers and receptacles left on streets be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 storm drain system of the City of Atlanta; or
 - (2) Obstruct the flow of stormwater into the storm drain 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 9: That Section 130-40 – Removal of bulky items, mixed debris piles and rubbish be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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~~ **Material** 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~~ **authorized** 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 office 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.~~ **The commissioner of public works or authorized designee will establish a procedure by which residents may contact the department of public works to request the pickup and removal of bulky items, mixed debris piles, and rubbish. Twice per year call-in service is provided to residential, single- and multi-family customers. Requests by single- and multi-family residential customers for collection of bulk materials for disposal that exceed the twice a year frequency shall be charged the fee established under Sec. 130-84 for additional bulk material disposal. Setting out bulk materials without scheduling a pick-up will be considered illegal dumping and a violation of City Code.**

- ~~(e) Special pickup. The commissioner of public works or his **authorized** 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.~~
- (e) Bulky items, mixed debris piles and rubbish shall not be placed at the curbside more than 24 hours preceding the appointed pick-up period.
- (f) 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 penalties: ~~prosecution as provided in sections 130-2-130-12 of this Code of Ordinances.~~
- (g) Requirements for outdoor 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~~ **authorized** designee.

SECTION 10: That Section 130-41- Cardboard containers and similar articles be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 35 pounds and having no dimension exceeding 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 11: That Section 130-43-Removal of solid waste from commercial or industrial properties be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-43. - **Removal of solid waste from commercial or industrial properties for services offered by the City.**

(a) Generally. No collection of garbage, recyclable material, 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) A lot that has been cleaned for the erection of a building; or**
- (2) Material that is the result of repairs or rebuilding or any admixture that contains building material.**
- (3) Yard trimmings may be stored in containers on the premises and set out for separate curbside collection, but shall not be mixed with garbage for disposal.**

(b) Collection containers for garbage and recyclable materials.

- (1) Required. All garbage and recyclable material generated within or upon any commercial or industrial properties premises in the city shall be separated and placed in garbage or recyclable material containers authorized by this section or those supplied by the city through the curbside collection service of the city. Garbage shall be bagged and shall be placed only in containers designated for the disposal of garbage. Recyclable materials shall be placed only in containers designated for recycling. Material 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 containers provided by the City of Atlanta as a part of its municipal solid waste collection will be retained by the city, and the containers 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 commercial or industrial properties container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the commercial or industrial properties to which the container is assigned.**
- (4) Identification. Where more than one commercial or industrial establishment occupies a building, any garbage and recyclable material containers provided by the city shall be marked to indicate the establishment using the garbage container. The container may be identified by putting the establishment address thereon owner. When containers are so identified, the container may be used only by the establishment whose identification is shown thereon.**
- (5) General requirements.**
 - a. All garbage and recyclable material 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 or recyclables material is being placed into or removed from the container, the garbage generator shall keep every garbage container closed or sealed to prevent leakage from the container of any garbage or other solid waste or of any offensive vapors, gases or odors.
 - c. The garbage and recyclables 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. Containers shall not be overfilled in a manner that prevents closure of lids or allows spillage of contents. If a lid cannot be closed, the material will be collected at a fee established under Sec. 130-84. If an overfilled container is set out for pick up more than four times within a 12-month period, owner will be provided with an additional container for a change in the level of service as established under Sec. 130-84. - Rates and charge
 - d. The garbage and recyclable materials generator shall not mix garbage or recyclable materials, or deposit refuse of one type in a collection container designated for another type of refuse.
 - e. The garbage and recyclable materials generator shall keep the collection containers and containers clean and sanitary, shall treat the containers 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 containers odor-proof. Garbage shall be bagged before deposited in garbage containers. Recyclable materials shall not be bagged when deposited in recycling containers.
 - f. The garbage and recyclables 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) 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 recycling 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. 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, fence, or wall of a height not less than six feet tall and not more than eight 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 authorized designee.
- (7) Extra garbage. The Department of Public Works will not collect excess garbage placed outside of the City-provided container. If waste is placed outside the container, the owner

of commercial or industrial properties may be provided with an additional container or a higher level of service at an annual service fee established under Sec. 130-84. - Rates and charges.

- (8) **Contamination of Recyclable Material.** Inspections will be conducted at random on recyclable materials containers through the "Tag" program. The city will randomly select a route to inspect. Inspectors will be looking inside the recyclable material containers for contaminants that will limit the ability to market recyclables, such as food, diapers, household trash that is not acceptable inside the container. The containers will be emptied if the contamination is not too severe. If significant contamination exists, the container will be tagged and will not be emptied. After a customer has been "Tagged" three times, the customer will be charged the rates as set forth in Sec 130-84.
 - (9) **Time of collection.** The commissioner of public works or authorized designee shall provide a schedule to each commercial or industrial establishment receiving garbage collection service from the city that shall indicate the days on which collection will be made.
 - (10) **General requirements for solid waste disposal.** 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.
- (c) **Recycling containers provided for use at commercial or industrial properties.**
- (1) The owners of any commercial or industrial properties, shall utilize containers provided by the City for the collection of recyclables, including, at a minimum glass, plastics, paper and metal cans. The capacity of the containers shall be adequate to hold the recyclable material of commercial or industrial properties.
- (d) **Plans of commercial or industrial properties to show locations of containers.**
- (1) Plans and specifications for the construction of all commercial or industrial properties 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 authorized 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.
 - (2) 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.
 - (3) As a condition for the approval of any building permit, 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 containers to contain any solid waste and recyclable materials generated on the premises.
 - (4) The location of any solid waste container and/or recycling container cannot in any way impede normal vehicular traffic, public transportation, pedestrian, or wheelchair access to public rights-of-way.
- (e) **Reports**

(1) Each owner shall be required to submit, or cause to be submitted on their behalf by a management company or other representative, an annual report to document the number of recyclables collected, as well as any other reports reasonably requested by the city. Reports shall contain at a minimum the following information:

- (a) Name of owner, or entity responsible for the supervision of the recycling program;
- (b) Address of building(s);
- (c) The frequency of collection and the size and average number of recycling containers located on the property.
- (d) The report shall be delivered on or before January 30 of the following year to:

Office of Solid Waste Services
55 Trinity Avenue
Suite 4800
Atlanta, Georgia 30303

(f) Enforcement and penalties. The commissioner of public works, or authorized designee, shall give written notice to the owner if the owner or agent of the owner of any commercial or industrial properties, is found in violation of any provisions of this section. The written notice shall state that the owner or owner's association shall abate the violation within ninety (90) calendar days of the date of the notice. The commissioner of public works shall provide a written report of such notices to the city utilities committee each quarter.

- (1) 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.
- (2) Enforcement, violations, and penalties are contained in Sec.130-12.

~~(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.~~

(g) 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 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 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 feet tall and not more than eight 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.~~

SECTION 12 : That Section 130-44 – Removal of solid waste and recyclable materials at outdoor events be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-44. – Removal of solid waste and recyclable materials at outdoor events.

- (a) Outdoor events on private property. The owner of any outdoor event property shall clear and remove all solid waste from the outdoor event property after the outdoor event ends, to the satisfaction of the chief of staff, in consultation with the commissioner of planning.
 - (1) If the outdoor event had fewer than 20,000 attendees, the property owner shall clear and remove all solid waste within 24 hours of the conclusion of the outdoor event.
 - (2) If the outdoor event had 20,000 or more attendees but fewer than 49,999 attendees, the property owner shall clear and remove all solid waste within 48 hours of the conclusion of the outdoor event.
 - (3) If the outdoor event had 50,000 attendees or more, the property owner shall clear and remove all solid waste within 72 hours of the conclusion of the outdoor event.
- (b) Outdoor events on public property.
 - (1) The permit holder for any outdoor event on public property shall clear and remove all solid waste from the outdoor event property after the outdoor event ends, according to the following guidelines:
 - a. If the outdoor event had fewer than 20,000 attendees, the permit holder shall clear and remove all solid waste within 24 hours of the conclusion of the outdoor event.
 - b. If the outdoor event had 20,000 or more attendees but fewer than 49,999 attendees, the permit holder shall clear and remove all solid waste within 48 hours of the conclusion of the outdoor event.
 - c. If the outdoor event had 50,000 attendees or more, the permit holder shall clear and remove all solid waste within 72 hours of the conclusion of the outdoor event.
 - (2) Following any outdoor event on property belonging to the city, solid waste shall be cleared and removed from the outdoor event property according to the following provisions:
 - a. Where property belonging to the city has been used as a outdoor event property, and said property is a designated city park, the permit holder shall clear and remove all solid waste from the outdoor event property after the outdoor event ends, to the satisfaction of the chief of staff, in consultation with the commissioner of parks.
 - b. Where property belonging to the city has been used as outdoor event property, and said property is not a designated city park, the permit holder shall clear and remove all solid waste

from the outdoor event property after the outdoor event ends, to the satisfaction of the chief of staff, in consultation with the commissioner of public works.

- (c) The chief of staff may grant an extension of time in which to clear and remove solid waste, pursuant to subsections (b) and (c) above, where the property owner or the permit holder applies for an extension of time in writing, providing a detailed reason for the request, and where the chief of staff determines that inclement weather or other circumstances outside of the property owner's or permit holder's control make enforcement of the timeframes set forth in sections (b) and (c) above unreasonable or unrealistic. The chief of staff shall provide his response to the property owner's or permit holder's request in writing, and shall provide the reasoning for his **or her** decision therein.
- (d) Recycling required. As a part of requirements to clear and remove all solid waste from a outdoor event property, recycling shall be provided at all outdoor events according to the following provisions:
 - (1) A property owner of any outdoor event property shall provide a sufficient number of containers for the separate recovery, collection, and removal of recyclable materials, including, but not limited to **metal containers** ~~aluminum~~, glass, and **plastics #1 and #2 through #5 and #7**, during any outdoor event. At a minimum, the property owner shall have ~~recycle~~ **recyclable material** containers next to each and every trashcan located on the outdoor event property during the outdoor event. Separate recovery, collection, and removal of glass shall not be required where glass is prohibited on the outdoor event property during the outdoor event, but only if said prohibition is established in writing prior to and at the entrance to the outdoor event and is enforced.
 - (2) Where property belonging to the city has been used as outdoor event property, the permit holder shall provide a sufficient number of containers for the separate recovery, collection, and removal of recyclable materials, including, but not limited to **metal containers** ~~aluminum~~, glass, and **plastics #1 and #2, through #5 and #7**, during the outdoor event. At a minimum, the permit holder shall have recycle containers next to each and every trashcan located on the outdoor event property during the outdoor event. Separate recovery, collection, and removal of glass shall not be required where glass is prohibited on the outdoor event property during the outdoor event pursuant to the City Code of Ordinances or other city legislation.

SECTION 13: That Section 130-45 – Removal of construction and demolition wastes be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

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

- (a) Disposal procedures. The commissioner of public works or ~~his~~ **authorized** designee shall establish and publicize standards and guidelines for the proper disposal of construction and demolition wastes generated by residents, **multi-family building owners, contractors, commercial and industrial establishments** 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 except for small projects performed by a homeowner that results in project debris capable of fitting into a 96 gallon garbage container without protruding out of the top. Alternatively, small project debris may be placed in a personal container no more than 32 gallons and no heavier than 35 pounds.
- ~~(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.~~

(c) Collection containers for construction and demolition wastes.

- (1) Required.** All construction and demolition wastes generated within or upon any properties in the city shall be separated and placed in construction and demolition waste containers authorized by this section or those supplied by the city through the collection service of the city. Recyclable materials shall be placed only in containers designated for recycling. Material 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 containers provided by the City of Atlanta as a part of its solid waste collection will be retained by the city, and the containers 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 container provided by the city that becomes lost or stolen shall be replaced by the city and shall be paid for by the customer to which the container is assigned.
- (4) General requirements.**
 - a.** All construction and demolition waste containers used in the city shall be non-absorbent, water-tight, durable, easily cleanable, and designed for safe handling.
 - c.** The construction and demolition waste generator shall not cause or permit any construction and demolition waste container to be filled in any manner that causes or allows construction and demolition waste to overflow from the container, or exceed the weight capacity of the container. Containers shall not be overfilled in a manner that prevents closure of lids or allows spillage of contents.
 - c.** The construction and demolition waste materials generator shall keep the collection containers clean and sanitary, shall treat the containers 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 containers odor-proof.
 - d.** The construction and demolition waste generator shall not cause or permit construction and demolition waste to be so compacted or otherwise placed, kept or accumulated in any container in a manner which does not allow the contents of the container to fall out, by their own weight, upon the container being tilted.
- (6) Maintenance of containers.**
 - a.** It shall be the responsibility of the construction and demolition waste generator, to maintain all construction and demolition waste 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 construction and demolition waste generator, to see that all containers serving the owner's property are kept in good repair always and that the doors and lids of the containers be properly closed when not in use.
 - c.** It shall further be the responsibility of construction and demolition waste generator, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.

- (7) **Time of collection.** The commissioner of public works or authorized designee shall provide a schedule to each construction and demolition waste generator indicate the days on which collection will be made.
- (c) **Recycling containers provided for use by construction and demolition waste generators.**
- (1) The owners of any commercial or industrial properties, shall utilize containers provided by the City for the collection of recyclables, including, at a minimum glass, plastics, and metal cans. The capacity of the containers shall be adequate to hold the recyclable material of commercial or industrial properties.
- (2) Recyclables generated from construction and demolition activities shall be free from contamination. Contamination may be asbestos waste, garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, and containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks. If a load is rejected from a construction and demolition waste processing or disposal facility, the generator will be charged at the cost of waste disposal.
- (d) **Enforcement and penalties.** The commissioner of public works, or authorized designee, shall give written notice to the owner if the owner or agent of the owner of any commercial or industrial properties, is found in violation of any provisions of this section. The written notice shall state that the owner or owner's association shall abate the violation within ninety (90) calendar days of the date of the notice. The commissioner of public works shall provide a written report of such notices to the city utilities committee each quarter.
- (1) 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.
- (2) Enforcement, violations, and penalties are contained in Sec.130-12
- (e) **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.

SECTION 14: That Section 130-46 – Household hazardous materials be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-46. - 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 **authorized 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 **authorized 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.

SECTION 15: That Section 130-51- Collection and transportation of residential garbage and other solid waste be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-51. - Collection and transportation of residential garbage, recyclable material, construction and demolition debris 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, **recyclable material, construction and demolition debris**, 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, **recyclable material, construction and demolition debris**, 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.~~
 - (2) All vehicles and equipment used by any private contractor for the collection and transportation of **recyclable material, construction and demolition debris, and other** 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).
 - (3) **The commissioner of public works will establish an implementation schedule for city collection of multi-family residential properties.**

SECTION 16: That Section 130-52 – Collection and transportation of commercial solid waste be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 130-52. - Collection and transportation of commercial and industrial garbage, recyclable material, construction and demolition debris, and other solid waste.

- (a) Permit required. No person shall engage in the collection or transportation of **commercial and industrial garbage, recyclable material, construction and demolition debris, and other ~~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 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 days following the cancellation, interruption, or refusal of service.
- (e) **The commissioner of public works will establish an implementation schedule for city collection of commercial and industrial properties.**

SECTION 17: That Section 130-63 – Privately operated solid waste disposal facilities be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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.
 - (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 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 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 ~~\$2,000.00~~ ~~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 100 feet from any abutting property line.
 2. All other activities on the solid waste disposal facility site must be located a minimum of 250 feet from any abutting real property lines and a minimum of 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 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 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 feet tall and no more than ten 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 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 18: That Section 130-64 – Privately operated solid waste transfer stations, processing and handling facilities be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 **authorized 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 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~~ **\$2,000.00** 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 100 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 250 feet from any abutting real property lines and a minimum of 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 100 feet from any abutting real property line, and a minimum of 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 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 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 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 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 250 feet of any residential property, any existing trees and vegetation must be maintained and preserved within 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 **authorized** ~~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 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 feet tall and no more than ten 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 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 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 19: That Section 130-76 – Annual review be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font)

Sec. 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 **authorized 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;~~
 - e. ~~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.~~
 - (1) 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;
 - (2) Specific information regarding the curbside collection program of the City of Atlanta:
 - a. The number of single-family residential, ~~and~~ multi-family residential units, **commercial, and industrial** 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;
- (3) Any other information deemed necessary by the city council.

SECTION 20: That Section 130-84- Rates and charges be amended to include rate adjustments for services for the time period beginning July 1, 2018, such that it shall read as follows (with permanent amendments in bold font and permanent deletions in ~~strikeout font~~)

Sec. 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, pave 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 backyard removal: \$962.21 per year.~~
- (5) ~~Mobile 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 by all 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.~~
- (12) ~~Special collections: Any property otherwise addressed in subsections (1) through (9) of this section, either requesting or requiring special collection equipment or methods where normal curbside collection or backyard collection of solid waste or recyclables is not feasible, shall be subject to an additional fee of \$200.00 annually.~~

Sec. 130-84. - Rates and charges.

The following rates and charges are hereby established for solid waste collection and shall become effective July 1, 2003 July 1, 2018:

(1) Residential rate: ~~\$307.19~~ **\$365.81 per year** plus ~~0.94~~ **\$1.42** cents per foot of paved street frontage and, to cover rubbish collection costs for unpaved frontage, ~~0.67~~ **\$1.01** 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~~ **\$365.81** per year for each separate living unit in excess of one.

(3) Apartments, condominiums, townhouse, public housing or any other multi-family dwelling rates: **A flat charge of \$400 per year per parcel** ~~\$1.63~~ **\$2.47** per foot of paved street frontage, and to cover rubbish collection costs for unpaved frontage, ~~\$0.67~~ **\$1.01** per foot of unpaved street frontage plus one of the following charges, as appropriate.

a. ~~\$307.19~~ **\$365.81** per year, for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings (**less than 6 units**) is collected from individual containers, garbage cans or bags;

b. ~~\$183.37~~ **\$281.53** per year for each dwelling unit where the garbage from apartments, condominiums, townhomes, public housing or any other multi-family dwellings (**less than 6 units**) 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. **For multi-family dwelling units greater than 6 units, where industrial containers (dumpsters) are used the following monthly rates are established:**

(i) 2-cy container serviced 1 time per week shall be \$20; serviced 2 times per week shall be \$40; serviced 3 times per week shall be \$60; serviced 4 times per week shall be \$80; serviced 5 times per week shall be \$100; serviced 6 times per week shall be \$120.

(ii) 4-cy container serviced 1 time per week shall be \$50; serviced 2 times per week shall be \$100; serviced 3 times per week shall be \$150; serviced 4 times per week shall be \$200; serviced 5 times per week shall be \$250; serviced 6 times per week shall be \$300.

(iii) 6-cy container serviced 1 time per week shall be \$80; serviced 2 times per week shall be \$160; serviced 3 times per week shall be \$240; serviced 4 times per week shall be \$320; serviced 5 times per week shall be \$400; serviced 6 times per week shall be \$480.

(iv) 8-cy container serviced 1 time per week shall be \$110; serviced 2 times per week shall be \$220; serviced 3 times per week shall be \$330; serviced 4 times per week shall be \$440; serviced 5 times per week shall be \$550; serviced 6 times per week shall be \$660.

(4) Residential backyard removal: ~~\$962.21~~ **\$1,145.69** per year.

(5) Mobile 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) For commercial and industrial establishments located within high-density commercial, high-density mixed use, low-density commercial, low-density mixed use, medium-density mixed use, mixed-use, mixed use – high density, mixed use – low density, industrial, office/institutional and office/institutional/residential land use zones, the following Tier 1 rates shall apply:

a.	commercial parcels from 1-100 feet:	\$1,200.00
b.	commercial parcels from 101-200 feet:	\$2,400.00
c.	commercial parcels from 201-450 feet:	\$5,400.00
d.	commercial parcels from 451-700 feet:	\$8,400.00
e.	commercial parcels from 701-850 feet:	\$10,200.00
f.	commercial parcel greater than 850 feet:	\$14,400.00

(b) For commercial and industrial establishments located outside of the above-listed land use zones, the following Tier 2 rates shall apply:

a.	commercial parcels from 1-100 feet:	\$500.00
b.	commercial parcels from 101-200 feet:	\$1,000.00
c.	commercial parcels from 201-450 feet:	\$2,250.00
d.	commercial parcels from 451-700 feet:	\$3,500.00
e.	commercial parcels from 701-850 feet:	\$4,250.00
f.	commercial parcel greater than 850 feet:	\$6,000.00

(c) For commercial and industrial establishment, where industrial containers (dumpsters) are used the Commissioner of Public Works reserve the right to establish competitive rates.

- ~~a. \$7.60 \$11.51 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 \$5.60 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 \$4.38 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 \$1.01 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 flat charge of \$500 per year per parcel** ~~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: **A flat charge of \$400 per year per parcel** ~~\$1.26 \$1.91 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 by all 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) Special collections: Any property otherwise addressed in subsections (1) through (9) of this section, either requesting or requiring special collection equipment or methods where normal curbside collection or backyard collection of solid waste or recyclables is not feasible, shall be subject to an additional fee of \$200.00 annually.

(12) Excess bagged garbage and/or overfilled bins: \$12 per bag/occurrence.

(13) Bulky Waste: \$325 per address for a one (1) truck capacity load for all calls exceeding the established maximum scheduled calls per year.

(14) Uncontainerized yard trimmings: \$2 per bag

(15) Collection of yard trimmings at commercial establishments or multi-family dwelling units: \$\$\$\$

(16) For construction and demolition waste, where industrial containers (dumpsters) are used the following rates are established per service:

(i) 20-cy container the rates shall be \$60 for delivery; \$150 monthly rental; \$120 per pull; and \$40 per ton for disposal.

(ii) 30-cy container the rates shall be \$60 for delivery; \$150 monthly rental; \$120 per pull; and \$40 per ton for disposal.

(iii) 40-cy container the rates shall be \$60 for delivery; \$150 monthly rental; \$120 per pull; and \$40 per ton for disposal.

SECTION 21: That Reserved Sections 130-85 through 130-100 be amended to create a new Section 130-85 to be entitled Administrative Rate Study which shall read as follows:

Section 130-85. Administrative Rate Study

The Commissioner of the Department of Public Works shall be authorized to conduct a rate study every two (2) years and compare it to the consumer price index (CPI) or 2 percent (2%) increase, the lower of the 2% or CIP shall not require approval of the city council and the requirements set forth in City Code Section 2-45 shall not apply to administrative adjustment of rates and charges related to solid waste.

SECTION 22: That Sections 130-86 through 130-100 continue to be reserved.

SECTION 23: The amendments in this ordinance shall become effective July 1, 2018.

SECTION 24: That Appendix B: Fees shall be revised, as necessary, to reflect the rate adjustments in accordance with Sections 1 and 2, above.

SECTION 25: Should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SECTION 26: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 130, not deleting any such references, but amending them to include this ordinance.