

AN ORDINANCE BY COUNCILMEMBER DUSTIN HILLIS TO AMEND CHAPTER 130 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADJUST THE TAXES, ASSESSMENTS, SERVICE FEES, AND CHARGES FOR SOLID WASTE SERVICES SPECIFIED THEREIN, INCLUDING THE ESTABLISHMENT OF A SANITARY ASSESSMENT FOR STREET RELATED SANITARY SERVICES AND GENERAL COMMON GOOD RELATED SANITARY SERVICES BASED ON TAXABLE PROPERTY VALUE; TO FORMALIZE THE ADMINISTRATIVE HEARING PROCEDURE FOR THE RESOLUTION OF DISPUTES; TO UPDATE CERTAIN OTHER PROVISIONS OF CHAPTER 130 OF THE CODE; AND FOR OTHER PURPOSES.

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

WHEREAS, it is determined to be necessary for the protection of public health, welfare, and convenience of the City to fix and collect solid waste service taxes, assessments, services fees, and charges billed upon the property owners within the City; and

WHEREAS, it is determined to be necessary to adjust the taxes, assessments, services fees, and charges billed by the Department of Public Works for its solid waste services to implement best practices and meet the demands of the City’s service area; and

WHEREAS, it is determined to be necessary to formalize the administrative hearing procedure for the resolution of disputes brought by property owners, customers, or applicants seeking solid waste utility service; and

WHEREAS, the Commissioner of Public Works desires to amend Chapter 130 of the City Code of Ordinances so as to adjust the taxes, assessments, services, fees, and charges billed for solid waste services for the time period beginning immediately and to be applied to bills dated as of July 1, 2022, to formalize the administrative hearing procedure, and to update certain other provisions of Chapter 130 of the City Code of Ordinances; 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 so as to adjust the taxes, assessments, services, fees, and charges billed for solid waste services for the time period beginning immediately and to be applied to bills dated as of July 1, 2022, to formalize the administrative hearing procedure, and to update certain other provisions of Chapter 130 of the City of Atlanta Code of Ordinances.

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 **Council** ~~of Atlanta~~ to protect the health, safety and welfare of its residents. Furthermore, the City **Council** ~~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 **the City of Atlanta** and its residents. Furthermore, the City **government** ~~of Atlanta~~ must work to maintain an effective solid waste management program to ensure that the City **government** ~~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:

***Appeals Board* means the Solid Waste Appeals Board.**

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

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 ~~do~~ **do** 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.

***City Council* means the City of Atlanta City Council.**

***Code* means the City of Atlanta Code of Ordinances.**

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 **parcel of property** ~~let~~ 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, **public lodging**, ~~or~~ industrial purposes or **commercially**

operated ~~for the purposes of boardinghouses or mobile home parks and any other~~ **parcel of property** ~~let~~ 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 **the department 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 **provided by the City and** 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.

***Customer* means a residential, commercial, or industrial property owner within the City's solid waste service area.**

Disposal operation means the performance of solid waste disposal and includes administration, personnel, **debt retirement**, land, equipment, design and other elements necessary or used in the **past, present, and future** work of solid waste disposal.

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

***Dumpster* means an 8 cubic yard container.**

***EPD* means the Environmental Protection Division of the State of Georgia.**

Extra garbage means garbage placed outside **a Container** ~~the city provided container.~~

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; **non-putrescible** ~~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 **property 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 **un-containerized** ~~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 **solid** waste materials generated in industrial operations.

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

Litter means uncontrolled or **un-containerized** ~~uncontainerized~~ solid waste.

Multi-family dwelling means ~~any permanent premises on~~ a single parcel of **residential property** ~~and~~ designed for or occupied by more than ~~two~~ ~~six~~ residential dwelling units where the residential units do not receive separate or individual **containerized** solid waste collection service.

Municipal solid waste (MSW) means any solid waste derived from commercial, **industrial**, ~~and~~ residential, **and other** 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.

Occupant means any person occupying a single-family or multi-family dwelling, a commercial property, or an industrial property.

Outdoor event means any gathering of **two thousand** ~~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 solid waste service area** ~~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.

Person means an individual, corporation, company, trust, partnership, limited partnership, or cooperative.

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 **property** ~~multi-family residential, commercial, or industrial premises~~ within the city's **solid waste service area**.

Property owner means the owner, ~~or agent of the owner,~~ of any property located in the city's **solid waste service area**, ~~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 containers, plastic bottles and jars, glass containers 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 **a property** ~~any lot~~ that is used exclusively for residential purposes, but not **property used as** ~~lots upon which are located licensed hotels, inns, or motels or dormitories~~ **apartments**.

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

~~*Residential vacant land charge* means a flat charge for right-of-way maintenance assessed to residential parcels with the Class Code of 100~~

Rubbish means all **un-containerized** ~~uncontainerized~~, discarded, **non-putrescible** ~~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 **any residential unit in each part** of a condominium project, duplex, triplex, townhouse project, or **rental** apartment building which

has been approved by the commissioner of ~~solid waste services~~ for separate or individual **Container 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, **mass burn electric generating facilities**, 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.

***Solid waste service area* means the municipal boundaries of the City, plus such areas outside the City municipal boundaries that the City provides solid waste services by agreement with another governmental jurisdiction.**

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 rights-of-way within the city.

Trash means **non-putrescible** ~~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 a 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, **garbage disposals**, ~~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 paper bags designed to contain yard trimmings that is no larger than **thirty-four** ~~34~~ gallons and no heavier than **thirty-five** ~~35~~ pounds.

SECTION 3: That Section 130-2 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-2. Maintenance and inspection of property.

- (a) *Required.* Every person owning or occupying public or private property in the city shall maintain the property free of any condition that may render the premises or property to be unhealthy, unsanitary, unsightly or unaesthetic to the occupants thereof, the neighborhood or the community at large.
- (b) *Conditions in violation.* Because they are deemed to be conducive to breeding or harboring of harmful germs or to the breeding or harboring of insects, snakes, rodents, lizards or similar or undesirable living pests and carriers of harmful germs or poisons or to the harboring of undesirable persons or illicit activities and are in violation of the general public health, safety, welfare and well-being, the existence of any one of the following conditions on property within the city shall be in violation of this section and this Code:
 - (1) **Un-containerized** ~~Uncontainerized~~ garbage or uncovered garbage containers of all kinds and types.
 - (2) Trapped litter or any other improperly containerized solid waste.
 - (3) Exterior storage of solid waste or other unsightly materials.
 - (4) The existence of weeds and vegetative overgrowth.
 - (5) The existence, storage or accumulation of garbage, hazardous, putrescible solid waste or rubbish.
- (c) *Inspection of premises.* The commissioner ~~of public works or any duly authorized agent of the department of public works~~ or **the commissioner, or their designee, of any** other city

departments may enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or are not free of any condition which may be in violation of this section or chapter. For the purpose of this duty, the sanitation code enforcement officer, including code enforcement officers, route supervisors, assistant sanitary area supervisors, sanitary area supervisors or subsequent classification titles performing the same duties, are eligible to apply for status as code enforcement agents under section 98-1. In order to enforce ~~Code code~~ provisions and issue citations, these employees must apply for and receive status as a code enforcement agent.

- (d) *Notice of unsanitary conditions.* Upon the determination through inspection by the commissioner ~~of public works or any duly authorized agent of the department of public works~~ or any other duly authorized agent of the city that any property within the city is in violation of this section, the commissioner shall give written notice to the owner ~~or agent of the owner~~ of the property of the condition found.
- (1) Such notice shall set forth the condition of the property, the specific violation of this section and the Code and the remedial action to be taken.
 - (2) The notice to the owner ~~or agent~~ shall include a time certain in which the nuisance is to be abated, but not more than ten days from date of receipt of the notice by the owner or agent. All notices shall be sent by personal service or sent by registered or certified mail, return receipt requested, to the last known address as listed in the official tax register of the county or records of the secretary of state. The nuisance shall be processed and abated in accordance with section 74-161.

SECTION 4: That Section 130-3 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

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

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

- (c) *Landscaping, nurseries or yard maintenance services.* All persons engaged in the business of landscaping, nurseries or yard maintenance and who shall contract with a property owner, the owner's agent or the occupant to improve the property, trim or remove shrubbery and trees or maintain yards shall remove from the property all solid waste and rubbish, including rocks, dirt, glass, trimmings and other byproducts generated by such service. **Each** ~~Any~~ property owner shall be responsible for ensuring that such persons or businesses shall properly remove, transport and dispose of the debris in conformity with the requirements of this ~~Code~~ **Code** and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (d) *Construction and demolition waste.* All persons engaged in the business of construction or demolition who shall contract with a property owner, ~~the owner's agent~~ or **an** the occupant to improve the property shall remove from the property all solid waste and other byproducts generated by such service. **Each** ~~Any~~ property owner shall be responsible for ensuring that such person or businesses shall properly remove, transport and dispose of the debris in conformity with any requirements of the State of Georgia, and the requirements of this Code and in a manner that does not cause or allow any debris to be washed, drained, discarded or otherwise allowed to flow into the city sewer system.
- (e) *Damage to the public right-of-way.* If the public right-of-way is damaged during the removal of any solid waste from any property, such person, business or commercial entity shall restore the public right-of-way to the condition that it was in before the damage occurred or shall pay the city in full for any costs and expenses which the city incurs in connection with the performance of that work.

SECTION 5: That Section 130-4 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-4. Cleanliness of sidewalks.

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

SECTION 6: That Section 130-6 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, **un-containerized** ~~uncontainerized~~ garbage, litter, trash, solid waste; **un-containerized** ~~uncontainerized~~ recyclable materials; or **un-containerized** ~~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 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 7: That Section 130-7 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-7. Disposal of garbage and other solid waste on private property; ~~uncontainerized~~ **un-containerized** garbage on private property.

- (a) *Garbage on private property.* It shall be unlawful for any **property** owner within the city to have upon the **property** owner's property any containerized or **un-containerized** ~~uncontainerized~~ garbage, trash or other materials or substances which may catch and retain rainwater or anything which will furnish food for or attract or harbor **vermin** ~~rats~~ or which will attract flies or breed mosquitoes or otherwise become a fire hazard or health menace.
- (b) *Improper dumping or disposal.* It shall be unlawful for any person to dump, deposit or otherwise place, or allow to be dumped, deposited or otherwise placed on any public or private property within the city, with or without the consent of the owner ~~or the owner's agent~~, any solid waste that is not prepared and placed according to the provisions of this **Code** ~~code~~, unless otherwise permitted according to the provisions of section 130-63.

SECTION 8: That Section 130-8 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

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

- (a) It shall be unlawful for any person to operate or cause to be operated upon any public street in the city any open truck, wagon or other motor vehicle in and upon which garbage, trash, manure, solid waste material, other debris, or other materials are transported, unless the vehicle shall be equipped with a cover or other securing device that will prevent the garbage, trash, waste material, other debris or other material from falling from the truck onto the streets **and sidewalks** of the city.
- (b) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall take immediate action to remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response. Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of **the City Code**.

SECTION 9: That Section 130-9 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

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

- (a) Any person engaged in hauling concrete, cement, gravel, sand, dirt, or asphalt on any public street within the ~~corporate limits of the~~ city shall load or fill vehicles so as to not allow spillage of any material onto the city streets or sidewalks. All vehicles hauling wet concrete, cement or loose material, ~~are are~~ required to use suitable covers, spill prevention and capture devices to prevent materials from blowing, spilling, or dripping from the vehicle.
- (b) In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response. Failure to properly remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of **the Code** ~~city~~.

SECTION 10: That Section 130-12 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

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

- (a) For the purpose of enforcing the provisions of this Chapter, the City of Atlanta Municipal Court or any other court of competent jurisdiction trying cases brought as violations of the provisions of this Chapter, is authorized to impose a fine not to exceed \$1,000.00, imprisonment for a term not exceeding six months, work on the public streets or on public works of the city for not more than six months, or any combination thereof as set out in Section 1-8 of the ~~Atlanta City Code of Ordinances~~. With respect to violations of **the this** Code that are continuous with respect to time, each calendar day the violation exists is considered a separate offense.
- (b) In addition to the penalties prescribed above, the following penalties may be imposed:
 - (1) Recovery of costs. Any person found in violation of this chapter shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating any violation of this chapter.
 - (2) If any person or business performing work under any contract with the city is found guilty of violating this chapter, the city may terminate the contract by giving written notice of the termination to the person or business, according to the terms of the contract.
 - (3) Impounding of motor vehicles.
 - a. A motor vehicle that is used in any violation of this chapter shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty equal to the total cost incurred by the city for the towing and storage of the vehicle and in addition to any other penalties imposed under this section.

- b. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing.
- (4) The court may publish the names of persons convicted of a violation of this chapter.
- (c) The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and the department **of public works** may seek cumulative remedies.
- (d) Each day a separate offense. Each day any violation of any section of this chapter exists shall constitute a separate offense.

SECTION 11: That Sections 130-13 through 130-27 continue to be reserved.

SECTION 12: That Section 130-29 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-29. Intent and purpose.

The City **Council** ~~of Atlanta~~ finds that protection of the environment is vital to the health, welfare and economic progress of the City ~~of Atlanta~~ and its citizens. Therefore, it is the intent of this article to establish a regulatory and procedural process that prohibits the unlawful dumping of scrap tires from the point of generation to the point of disposal.

SECTION 13: That Section 130-32 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-32. Dumping of scrap tires.

It is unlawful to cause, suffer, or allow the dumping of scrap tires within the City ~~of Atlanta~~ including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public or private property unless:

- (a) The person or business entity carrying out the disposal is an EPD approved scrap tire processor or disposal facility with a valid scrap tire processor permit and/or a valid solid waste handling permit or other applicable identification number, and the disposal is carried out on the property of the scrap tire processor; or
- (b) The activity constitutes storage as defined in this article and is conducted in a manner consistent with the provisions of section 130-32(c) of this article.

SECTION 14: That Section 130-33 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-33. Scrap tire management.

This section is intended to apply to all persons presently engaged in or proposing to be engaged in the retail sale of new tires, used tires, and/or handling of scrap tires.

(a) *Scrap tire generator enforcement.*

- (1) Scrap tire generators shall have the necessary licenses and specifications as required by Georgia state law.
- (2) Scrap tire generators shall maintain, pursuant to Georgia state law, accurate records and reports detailing the number of new and/or used ~~replacement~~ tires sold and the amount of fees collected, as well as receipts indicating the disposition of scrap tires. These records shall be maintained on file at the facility in question for three years and shall be made available for inspection by the City of ~~Atlanta~~ during normal business hours.
- (3) Scrap tire generators shall, pursuant to Georgia state law, initiate a manifest to transport scrap tires from the point of generation to an EPD approved end user, scrap tire processor, sorter, or disposal facility. The manifest shall include the following information:
 - a. Name and identification number of the scrap tire generator;
 - b. Number of scrap tires or total tons [accurate to within ten percent of actual number] of scrap tires to be transported;
 - c. Name and permit number of the scrap tire carrier;
 - d. Date of transport; and
 - e. Destination of scrap tires.
- (4) Scrap tire generators shall ensure that all scrap tires are transported to an EPD approved end user, scrap tire processor, sorter, or disposal facility, as evidenced by a completed manifest.
- (5) Unless otherwise approved in writing by the EPD, scrap tire generators shall ensure that any person collecting and transporting their scrap tires holds a valid scrap tire carrier permit issued by the EPD. However, a person or business entity that generates less than **one hundred** ~~100~~ tires per month and that transports only its own scrap tires to EPD approved end users, scrap tire processors, sorters, or disposal facilities is not required to have a scrap tire carrier permit, but must comply with all other provisions required of scrap tire generators and scrap tire carriers.
- (6) Scrap tire generators shall maintain copies of completed manifest records for three years. Such documentation shall be made available for inspection by the City of ~~Atlanta~~ during normal business hours.
- (7) Scrap tire generators may choose to determine whether a tire, because of wear, damage or defect, is not suitable for classification as a used tire or retreadable casing as defined in this article. However, if a scrap tire generator fails to sort or delineate which tires are used tires, retreadable casings or scrap tires, then all tires transported

shall be considered scrap tires and must be thusly indicated on the shipment manifest. It is a rebuttable presumption that non-new tires are scrap tires.

- (8) Scrap tire generators shall mark scrap tires with their EPD issued scrap tire generator number within **twenty-four** 24 hours of receipt of the scrap tires. Each scrap tire shall be marked on the outside of the tire in a manner sufficient to provide notice of ownership. Said marking shall be at least one inch in height and shall be permanent and waterproof.
 - (9) The ~~City Atlanta~~ Police Department and/or its designee shall coordinate to conduct annual random inspections of all scrap tire generators in the City ~~of Atlanta~~ to ensure compliance with this article.
- (b) *Scrap tire carrier enforcement.*
- (1) Scrap tire carriers shall transport used and scrap tires, properly manifested, only to EPD approved end users, scrap tire processors, sorters, or disposal facilities.
 - (2) No scrap tire carrier permit and no decal to be displayed on any vehicle transporting tires is required to transport used tires when the tires are transported:
 - a. By a common carrier that collects tires exclusively from outside the State of Georgia and transports them directly to a scrap tire processor or end user with the State of Georgia;
 - b. By a municipal solid waste collector holding a valid solid waste collection permit issued by the EPD whose primary business is the collection of municipal solid waste;
 - c. By a private individual transporting no more than ten of the individual's own tires or a private individual transporting more than ten tires if such individual can provide proof of purchase with receipt for such tires;
 - d. By a company transporting the company's own tires to a scrap tire processor or end user or for proper disposal;
 - e. By a tire retailer transporting its own used tires if such dealer can provide proof of purchase with receipt for all used tires being transported and a document verifying the origin, route, and destination of such used tires;
 - f. By any person transporting tires collected as part of an organized site cleanup activity; and
 - g. By the United States, the State of Georgia, any Georgia county, municipality, or public authority.
 - (3) The City ~~of Atlanta~~ may inspect scrap tire carriers to determine if they have been issued a scrap tire carrier permit by EPD and are in compliance with the requirements for scrap tire carriers prescribed in this article.
 - (4) Scrap tire carriers shall produce to the City ~~of Atlanta~~ upon demand a valid scrap tire carrier permit issued by the EPD and a manifest indicating that the scrap tires have been properly manifested and are being transported, or have been delivered, to an EPD approved end user, scrap tire processor, sorter, or disposal facility.

- (5) Scrap tire carriers and scrap tire processors shall maintain financial assurance in the form of a surety bond in compliance with requirements imposed by the EPD pursuant to O.C.G.A. Section 12-8-40.1(1)(1).
 - (6) The City of Atlanta shall review documentation maintained by scrap tire carriers to ensure that the quarterly reports required by the EPD include the number of scrap tires transported and the manner of scrap tire disposition.
 - (7) The City of Atlanta shall review scrap tire carrier records to determine if the scrap tire carriers have returned a completed copy of the manifest to the scrap tire generators, which shall be indicated on the manifest.
- (c) *Scrap tire storage enforcement.*
- (1) No person may store more than **twenty-five 25** scrap tires anywhere in the City. Any person storing in excess of **twenty-five 25** scrap tires shall be deemed to be in violation of this Article. This section, however, shall not apply to any of the following:
 - a. A permitted solid waste disposal site if the permit authorizes the storage of scrap tires prior to their disposal;
 - b. A tire retailer or a publicly owned vehicle maintenance facility with not more than **fifteen hundred 1,500** scrap tires in storage;
 - c. A tire retreader with not more than **three thousand 3,000** scrap tires in storage as long as the scrap tires are of the type the retreader is actively retreading;
 - d. A licensed used motor vehicle parts dealer, a registered secondary metals recycler, or a privately owned vehicle maintenance facility that operates solely for the purpose of servicing a commercial vehicle fleet with not more than **five hundred 500** scrap tires in storage; and
 - e. A Georgia EPD approved scrap tire processor so long as the number of scrap tires in storage do not exceed the quantity approved by the EPD if all of the scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access. This requirement may be waived by the EPD in cases of significant and unique economic hardship which impairs a person's ability to continue operating his or her business.
 - (2) It is unlawful for any person or business entity, including scrap tire generators, to store scrap tires outside of an enclosed building except in a single secured, covered, and locked container.
 - (3) Where scrap tires are stored inside of an enclosed building, said building must be maintained and operated in a manner reasonably sufficient to prevent theft or the potential for scrap tires to be removed from the facility and improperly disposed of.

SECTION 15: That Section 130-34 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-34. Authority.

The primary authority and responsibility for the enforcement of the provisions of this article is vested in the ~~City Atlanta~~ Police Department and/or its designees.

- (a) *Investigations.* Authorized agents from the City ~~of Atlanta~~ shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article. This is including but not limited to the power to enter upon any property public or private at reasonable times, for the purpose of investigation and inspecting facilities conducting scrap tire generation, storage, transportation, or disposal activities. The city's authorized agent, upon presentation of proper identification to the owner, agent, or tenant in charge is authorized to enter any such premises during the hours of operation.
- (b) *Right of entry.* No person shall refuse entry or access to any authorized representative or agent who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such representative while in the process or carrying out his/her official duties.

SECTION 16: That Section 130-35 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-35. Violations.

Any person found in violation of any provision of this article may be issued a citation by the City ~~of Atlanta~~ and may be prosecuted and punished as provided by law for the violation of an ordinance. It is also a violation of this article for any person to violate state law and regulations regarding scrap tire management as prescribed in the provisions of O.C.G.A. § 12-8-20 et seq. and Georgia Rules and Regulations Chapter 391-3-4.

SECTION 17: That Section 130-35.1 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-35.1. Penalties.

- (a) *Assessment of penalties.* For the purpose of enforcing the provisions of this article, the City ~~of Atlanta~~ Municipal Court or any other court of competent jurisdiction trying cases brought as violations of the provisions of this article, is authorized to impose a fine not to exceed \$1,000.00, imprisonment for a term not exceeding six months, work on the public streets or on public works of the city for not more than six months, or any combination thereof as set out at section 1-8 of the ~~Atlanta City~~ Code. With respect to violations of this Code that are continuous with respect to time, each calendar day the violation exists is considered a separate offense.

The penalty provisions set out immediately above shall take precedence over the penalty provisions set out at section 130-12 of this chapter which shall not apply to the provisions contained herein in Article II of Chapter 130 (the “City of Atlanta Scrap Tire Enforcement Ordinance”).

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

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

- (c) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this article shall be liable to the city for the total amount of all costs and expenses incurred by the city in abating any violation of this article.

SECTION 18: That Section 130-36 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 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, property in the city to prepare and place any yard trimmings intended for removal by city personnel through the city's curbside program, separately and distinguishable from rubbish, trash and garbage, in accordance with the provisions of this article.

- (c) *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 (d), and is separately placed for removal in accordance with subsection (g).
- (d) *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. The department of public works may collect up to **twenty** ~~20~~-yard trimmings paper bags per collection period placed for yard trimmings collection, when full, are not to exceed **thirty-five** ~~35~~ pounds in weight. Reusable containers or receptacles used for the disposal of yard trimmings may not exceed a volume of **thirty-two** ~~32~~-gallons visibly marked with YARD TRIMMING on four sides.
 - (1) It shall be the responsibility of the **property** owner ~~of any premises~~, to maintain all yard trimming containers serving the **property** 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.
 - (2) It shall further be the responsibility of the **property** 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.
- (e) *Extra yard trimmings.* The department of public works may collect yard trimmings paper bags in excess of **twenty** ~~20~~ per collection period in accordance with the fee for excess yard trimmings established under section 130-84, **Taxes, Assessments, Service Fees and Charges Rates and charges.**
- (f) *~~Un-containerized~~ ~~Uncontainerized~~ yard trimmings.* The department of public works will not be required to collect any **un-containerized** ~~uncontainerized~~ yard trimmings over four inches in diameter or four feet in length, human or animal excrement, nor yard trimmings or soil contaminated with household hazardous materials or hazardous materials.
- (g) *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 ~~of public works or his designee~~ as accessible for removal by city personnel.
- (h) *Collection schedule.* The commissioner ~~of public works or authorized designee~~ shall establish a schedule for the collection and removal of yard trimmings.
- (i) *Exempted circumstances.* The commissioner ~~of public works~~ 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.
- (j) *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 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.

- (k) *Residential composting.* **Residential property owners and occupants** ~~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 19: That Section 130-37 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) 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 containers designated for garbage or recyclable materials.
- (b) *Collection containers for garbage and recyclable materials.*
- (1) *Required.* Any and all garbage or recyclable materials generated within or upon any single-family **dwelling** ~~residential premises~~ in the city shall be separated and placed in the appropriately designated collection 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 shall be stored in such containers on the premises where generated until disposed of in accordance with the provisions of this section and this chapter.
 - (2) *Ownership.* Ownership of the containers 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~~ **the** 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.
- (4) *Identification.* Where one or more family occupies a **residential** dwelling, the collection containers shall be marked to indicate the family using the particular collection container. The collection containers may be identified by putting the dwelling number thereon having control of the disposal of the garbage and recycling in the household. When containers are so identified, the container may be used only by the identification thereon.
- (5) *General requirements.*
- a. All collection 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 container closed or sealed to prevent 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 section 130-84, **Taxes, Assessments, Service Fees and Charges Rates and charges**. If an overfilled bin is set out for pick up more than four times within a 12-month period, **the property owner resident** will be provided with an additional refuse bin at an annual service fee established under section 130-84, **Taxes, Assessments, Service Fees and Charges 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.
 - e. The garbage and recyclable 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. 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 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.

- (6) *Location.* Collection 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 9:00 a.m. the day following 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 containers at the curb, provided these persons submit a written request for the collection.
 - d. 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 **thirty-two** ~~32~~-gallon or smaller plastic bags. If bags are set out more than four times within a **twelve** ~~12~~-month period, resident will be provided with an additional bin at no charge but will be subject to an additional annual service fee established under section 130-84, **Taxes, Assessments, Service Fees and Charges 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 **thirty-two** ~~32~~-gallons or **thirty-five** ~~35~~-pounds in weight in a linear area not to extend beyond a total of ten feet and four feet wide.
- (7) *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, and household trash, that are not acceptable inside the container. The containers will be emptied if the contamination visual inspection determines that contaminants do not represent a significant risk or detriment to the collection and processing of material. If contaminants are determined to represent significant risk or detriment, the container will be "tagged" and will not be emptied. After a container has been "tagged" three times, the **property owner** ~~customer~~ will be charged the rates as set forth in section 130-84, **Taxes, Assessments, Service Fees and Charges**.
- (8) *Time of collection.* The commissioner ~~of public works or authorized 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, **residential property owners** ~~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. **Residential property owners** ~~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(~~ed~~) 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 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 **twelve 12** and **seventy 70** capable of placing garbage or recycling at the curbside.
 - b. Physical condition criteria. Each person between the ages of **twelve 12** and **seventy 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 **property** owner or ~~agent of the owner of any single family residential property~~ to improperly place or allow any **occupant** ~~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.

SECTION 20: That Section 130-38 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 **property** ~~lot~~ that has been **cleared** ~~cleaned~~ for the erection of a building; or
 - (3) 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 or commercial or industrial property.* The department of public works shall not be required to collect garbage or other solid waste from multi-family dwellings **or commercial or industrial property.** ~~, including public housing, containing six or more residential units,~~ Exceptions **may** ~~shall~~ be approved and permitted by the commissioner of public works or his designee.
- (c) *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 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 **residential property** ~~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 provided by the city shall be marked so as to indicate the family using the particular garbage container. The container may be identified by putting the dwelling number on the container for the garbage in the household. When containers are so identified, the 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 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 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.
- (6) *Extra garbage prohibited.* Any containerized or **un-containerized** ~~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 **un-containerized** ~~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.* 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 9:00 a.m. the day following the collection day.

- c. Exceptions to this subsection may be granted by the commissioner for persons with physical limitations which prevent placement of the garbage receptacles at the curb, provided these persons submit a written request for the collection.
- (8) *Time of collection.* The commissioner ~~of public works or his designee~~ shall provide a schedule to each residence receiving garbage collection service from the city that shall indicate the days on which collection will be made.
- (d) Containers provided by the city for use at multi-family dwellings, **commercial, or industrial property**, ~~including apartment houses, townhouses, condominiums and public housing.~~
 - (1) *Sufficient number required.* Upon the premises of any **property** ~~multi-family dwelling~~ not permitted for **garbage collection service** by the City of Atlanta, the **property** 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 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 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 multi-family dwellings, commercial, and industrial property.*
 - a. It shall be the responsibility of the owner of any multi-family dwelling, **commercial, and industrial property**, ~~including public housing management,~~ to maintain all garbage and recyclable material containers serving the **property** owner's property in a clean and sanitary manner. All garbage and recyclable material 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 **property** ~~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 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 **property** ~~apartment house~~ owner, ~~including~~

~~public housing management~~, to see that the area surrounding all containers serving the owner's property is kept free of garbage and trash.

- d. Any dumpster located on the **property owner's property** ~~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 **must** ~~shall~~ be approved by the commissioner ~~of public works or authorized designee~~.
- (e) *Recycling containers provided for use at **multi-family apartment houses, townhouses, condominiums, public housing, and other multifamily dwellings.***
 - (1) The **property** owners of any multi-family dwellings, ~~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 use containers 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 residents of the multi-family dwelling and shall be of a size not less than three gallons multiplied by the number of living units.
- (f) *Plans of **multi-family dwellings 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 **property** 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 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 **property** owner, **property owners'** association or **other** person ~~or entity~~ responsible for the supervision of the recycling program;

- b. Address of **the property building(s)**;
- c. Number of **residential 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 **rental multi-family dwellings** ~~apartment complexes~~ to condominiums pursuant to O.C.G.A. § 44-3-87 et seq. and retrofits of other existing buildings into multi-family **dwellings** ~~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 authorized designee,~~ shall give written notice to the **property** owner or the **property** 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 **property** owner or **property** 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.* **Property o**~~wners 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.* **Each property owner** ~~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 21: That Section 130-39 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 left on streets.

- (a) *Prohibited.* Containers 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.

SECTION 22: That Section 130-40 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 **property owner or** occupant may be engaged;
 - (2) A **property lot** that has been **cleared** ~~cleaned~~ for the erection of a building; or
 - (3) 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 **property owner** ~~or the agent of any~~ owner.
- (b) It shall be mandatory for each **occupant** ~~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 following provisions of this article:
 - (1) tree waste and junk waste should be placed adjacent to the front curb in a location easily accessible to the collection vehicle after the hours of 7:00 p.m. the day before the scheduled collection day;
 - (2) tree waste and junk waste should not be stacked under low overhead electrical wires or other cabling, signs or mailboxes; next to fences or posts; or on top of water meters, gas meters, fire hydrants or other exposed utility components;
 - (3) materials should not be placed in the street, on the sidewalk, or other rights-of-way, or in any manner which would interfere with pedestrian or vehicular traffic;
 - (4) tree waste or junk waste collection is limited to occupied residential **dwellings units** and **vacant** residential ~~vacant~~ land only if the waste generated is in connection with the maintenance of the property.
- (c) The commissioner of ~~public works or authorized designee~~ may determine items eligible for pickup under the City's 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. The following restrictions are associated with items authorized for pickup:

- (1) No more than eight cubic yards (about the size of a minivan) of junk waste or tree waste may be placed at the curb for collection;
 - (2) A maximum of four cubic yards of building material (not to include roofing shingles, brick, plaster, or concrete) generated by the resident in connection with the maintenance of the residential property may be collected by the department of public works;
 - (3) Appliances containing refrigerant must have a tag attached to them certifying a qualified technician has removed the refrigerant;
 - (4) The department of public works is not allowed to collect any material generated by contractors who were retained by a resident to perform work on his or her residential property. It is the responsibility of the contractor to remove all debris that may arise from the contractor's activities. These contractor-related activities include, but are not limited to: trimming and removal of trees, remodeling, new construction and roofing.
 - (5) If authorized items placed for collection are mixed with restricted items, department personnel shall not be obligated to sort the materials and may refuse the entire load. ;
 - ~~(6) Department personnel collection services are not available to multi-residential structures of more than six units.~~
- (d) *Collection schedules.* The commissioner ~~of public works or an authorized designee~~ will establish a procedure by which **property owners provided garbage pick-up service by the city residents** may contact the department of public works to request the pickup and removal of bulky items, mixed debris piles, and rubbish. Twelve times per year call-in scheduling service is provided to single-family residential customers. Requests ~~by single family residential customers~~ for collection of bulk materials for disposal that exceed the ~~twelve~~ **12** times per year call-in scheduling service shall be charged the fee established under section 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 **the city** Code.
- (e) Bulky items, mixed debris piles and rubbish shall not be placed at the curbside before 7:00 p.m. on the day 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

- (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) **Pays the collection service fee to the city; and**
 - (6) Complies with any other guidelines established by the commissioner ~~of public works or authorized designee.~~

SECTION 23: That Section 130-41 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 or other similar containers shall be flattened, cut if necessary and tied in bundles not exceeding **thirty-five** ~~35~~ pounds and having no dimension exceeding **thirty-six** ~~36~~ inches;
- (2) The bundles shall be stacked in a manner that would permit convenient removal and placed in a location designated by the **Commissioner** ~~commissioner~~;
- (3) Garbage, bits of paper and other debris shall not be placed in such containers or bundles.

SECTION 24: That Section 130-42 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-42. Night garbage collection.

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

SECTION 25: That Section 130-43 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.

- (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 **property service units** shall be contained and placed according to any provisions provided by the special permit issued by the commissioner ~~of public works~~.
- (b) *Dangerous accumulation prohibited.* No person shall keep or accumulate, or permit to be kept or accumulated, any solid waste in or upon any commercial or industrial premises or location within the city owned, leased or rented by such person or in such person's possession or control, in such manner that:
 - (1) Creates a fire hazard dangerous to person or property;
 - (2) Becomes unreasonably offensive or dangerous to the public peace, health or safety;
 - (3) Promotes the propagation, harborage, or attraction of rodents, vermin or pests; or
 - (4) Becomes a public or private nuisance.
- (c) *Private collection required.* The **property** 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 **property 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 **property** 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 **property** owner of any commercial or industrial premises, to see that the area surrounding all containers serving the **property** 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 **property 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 **property premises**.

SECTION 26: That Section 130-44 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 **property** 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 **commissioner** ~~chief of staff~~, in consultation with the commissioner of planning **and community development**.

- (1) If the outdoor event had fewer than **twenty-thousand** ~~20,000~~ attendees, the property owner shall clear and remove all solid waste within **twenty-four** ~~24~~ hours of the conclusion of the outdoor event.
- (2) If the outdoor event had **twenty-thousand** ~~20,000~~ or more attendees but fewer than **fifty-thousand** ~~49,999~~ attendees, the property owner shall clear and remove all solid waste within **forty-eight** ~~48~~ hours of the conclusion of the outdoor event.
- (3) If the outdoor event had **fifty-thousand** ~~50,000~~ attendees or more, the property owner shall clear and remove all solid waste within **seventy-two** ~~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 **twenty-thousand** ~~20,000~~ attendees, the permit holder shall clear and remove all solid waste within **twenty-four** ~~24~~ hours of the conclusion of the outdoor event.
 - b. If the outdoor event had **twenty-thousand** ~~20,000~~ or more attendees but fewer than **fifty-thousand** ~~49,999~~ attendees, the permit holder shall clear and remove all solid waste within **forty-eight** ~~48~~ hours of the conclusion of the outdoor event.
 - c. If the outdoor event had **fifty-thousand** ~~50,000~~ attendees or more, the permit holder shall clear and remove all solid waste within **seventy-two** ~~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 an 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, glass, and plastics #1 through #5 and #7, during any outdoor event. At a minimum, the property owner shall have 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, glass, and plastics #1 through #5 and #7, during the outdoor event. At a minimum, the permit holder shall have **recycling** ~~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 27: That Section 130-45 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-45. Same—Construction and demolition wastes.

- (a) *Disposal procedures.* The commissioner ~~of public works or his designee~~ shall establish and publicize standards and guidelines for the proper disposal of construction and demolition wastes generated by **property owners** ~~residents~~, through the curbside collection program of the City ~~of Atlanta~~.
- (b) *Specifically prohibited.* It is specifically prohibited to improperly dispose of any construction and demolition waste through the municipal curbside collection system except for small projects performed by a **property owner** ~~homeowner~~ that results in project debris capable of fitting into a **ninety-six** ~~96~~ gallon garbage container without protruding out of the top.

Alternatively, small project debris may be placed in a personal container no more than **thirty-two** ~~32~~ gallons and no heavier than **thirty-five** ~~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.

SECTION 28: That Section 130-46 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 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 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 29: That Sections 130-47 through 130-50 continue to be reserved.

SECTION 30: That Section 130-51 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 and other solid waste.

- (a) *Single-family residential garbage.* No person shall engage in the business of collecting, transporting, delivering or disposing of single-family residential garbage and other solid waste generated by another person within the City ~~of Atlanta~~ without first obtaining a permit to do so, unless considered a self-hauler according to the provisions of this chapter.
- (b) *Multi-family residential garbage.*
 - (1) No person shall engage in the business of collecting, transporting, delivering or disposing of multi-family residential garbage and other solid waste generated upon any multi-family **property 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 **property** owner ~~or agent of the owner~~ of any multi-family **property not holding a permit for curbside collection service** ~~dwelling containing six (6) or more residential~~

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

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

SECTION 31: That Section 130-52 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikethrough font):

Sec. 130-52. Collection and transportation of commercial, industrial, and non-residential solid waste.

- (a) *Permit required.* No person shall engage in the collection or transportation of **commercial, industrial, multi-family residential** and non-residential solid waste without having applied for permission therefor and received **a permit from** ~~the approval of the commissioner, in the form of a written permit.~~ Every person or business obtaining **a permit from the commissioner** ~~permission~~ shall conform to the rules of the department of public works and the provisions of this article. Upon violation of the rules, the permit shall be revoked by the commissioner.
- (b) *Vehicles and equipment.* Vehicles and equipment used by any private contractor for solid waste collection and disposal within the City of Atlanta shall be maintained to prevent a sanitary nuisance or safety hazard according to but not limited to the following provisions:
 - (1) Vehicles and equipment shall be frequently washed thoroughly with suitable disinfectant and deodorant, and all vehicles shall be washed on the outside.
 - (2) Any waste collection vehicles used by a private contractor for solid waste collection and disposal within the city shall not be allowed to stand unattended on a public or private street. The equipment shall be operated so as to minimize interference with vehicular or pedestrian traffic.
 - (3) Collection shall be made and the equipment operated and maintained in a manner so as to prevent the dropping or scattering of solid or liquid wastes anywhere except in a lawful solid waste management or disposal site. All waste spilled or scattered from vehicles or equipment shall be immediately picked up or collected by the operator of the vehicle or equipment. Collection vehicles used by any private contractor within the city shall consist of trucks with leak-resistant packer or enclosed bodies and dumpsters shall be covered and leak-resistant, all in good repair.
 - (4) All vehicles used for solid waste collection by a private contractor within the city shall be operated and maintained in such condition that the vehicle does not exceed a noise level, during stationary compaction, where it is plainly audible at a distance of **two hundred** ~~200~~ or more feet from the vehicle.

- (5) All vehicles used for non-residential solid waste collection shall be prominently marked with the name of the business and vehicle number on driver and passenger sides. The vehicle number shall also be marked on the front and rear of the vehicle.
- (c) *Collection times.* Collection of non-residential solid waste shall be scheduled by agreement between the private contractor and the commercial or industrial customer, subject to any rules of the bureau of solid waste services and section 74-187(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.

SECTION 32: That Sections 130-53 through 130-58 continue to be reserved.

SECTION 33: That Section 130-59 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-59. Statement of policy.

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

SECTION 34: That Section 130-61 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-61. Use without permit.

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

SECTION 35: That Section 130-62 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-62. Hazardous material disposal.

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

SECTION 36: That Section 130-63 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 ~~Ceity~~ **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 **municipal** 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 ~~Ceity~~ Ceouncil.
 - 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 **thirty 30** days before taking effect. The plan shall include detailed procedures where applicable:
 - i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;
 - ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;

- iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
 - iv. Weighing incoming waste;
 - v. Vehicle traffic control and unloading;
 - vi. Method and sequence of filling waste;
 - vii. Waste compaction and application of cover;
 - viii. Operations of gas, leachate, and storm water controls;
 - ix. Groundwater monitoring.
 - 2. The availability of and equipment for use of a water supply.
 - 3. The type and capacity of equipment to be used.
 - 4. Plans for fire, nuisance, water pollution, odor and vermin control.
 - 5. A diagram and written description of the locations and extent of dikes, earthwork and fill operations.
 - 6. A hydrological survey.
- c. Such other information as the commissioner ~~of public works~~ may reasonably require including but not limited to the business address of the applicant.
- d. A processing fee of \$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.

(3) Generally. Any applicant for a solid waste disposal facility operating permit shall demonstrate compliance with the following site limitation provisions:

- a. *Operations impact buffer zone.* An operations impact buffer zone (hereinafter referred to as the impact buffer) shall be maintained upon the premises to minimize the impact of landfilling and disposal operations on surrounding neighborhoods and communities.
 - 1. Office uses must be a minimum of **one hundred** ~~100~~ feet from any abutting property line.
 - 2. All other activities on the solid waste disposal facility site must be located a minimum of **two hundred and fifty** ~~250~~ feet from any abutting real property lines and a minimum of **five hundred** ~~500~~ feet from the real property line of either any existing residence, or any residence under construction at the time landfilling or disposal operations begin anywhere on the landfill site.
 - 3. Roads for access to the site may cross the impact buffer so long as roads are located a minimum of **one hundred** ~~100~~ feet from the real property line of either any existing residence, or any residence under construction at the time

landfilling or disposal operations begin anywhere on the solid waste disposal facility site.

4. Monitoring wells may be located within the impact buffer, so long as monitoring wells are located a minimum of **two hundred and fifty** ~~250~~ feet from the real property line of either any existing residence, or any residence under construction at the time landfilling or disposal operations begin anywhere on the solid waste disposal facility site.
- b. *Vegetative buffer.* A vegetative buffer must be provided between the solid waste disposal facility and any abutting real property line or public street right-of-way. Existing trees and vegetation must be maintained and preserved within **one hundred** ~~100~~ feet of any abutting real property lines and any public street right-of-way. Where the natural growth within **one hundred** ~~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 **five hundred** ~~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 **community 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 **property** 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 37: That Section 130-64 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 **Ceity Ceouncil**, 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 designee~~.
- (c) Permitted locations. Within the **municipal** 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 **Ceode** section. Prior to the issuance of any solid waste transfer station operating permit (hereinafter referred to as "the permit") as required in subsection (a) of this section, all applicants must first receive approval of a special land use permit from the commissioner of ~~the department of~~ planning and community development, according to the procedures established by the City of ~~Atlanta~~.
 - (1) For each property, a site compatibility report shall accompany each permit application. The site compatibility report shall contain information including but not limited to the following:
 - a. A description, survey, ownership and present zoning of the land involved.
 - b. An engineering plan prepared by a professional engineer registered in the State of Georgia, which shall contain:
 - 1. Operation plan. An operation plan shall provide written instructions for the daily operation of the facility. The plan shall be revised when operational procedures change and such revisions shall be filed with the commissioner of ~~public works~~ no less than **thirty 30** days before taking effect. The plan shall include detailed procedures where applicable:

- i. Identification of persons responsible for operation and maintenance of the facility, including ownership of facility and corporate structure;
 - ii. Contingency operations, alternate waste handling and disposal methods in case of emergency such as a natural disaster or equipment failure;
 - iii. Methods for controlling the type of waste received at the site. The report shall specify inspection procedures, number and location of spotters if applicable, and procedures to be followed in prohibited wastes are discovered;
 - iv. Weighing incoming waste;
 - v. Vehicle traffic control and unloading;
 - vi. Vehicle traffic control and loading;
 - vii. Operations of odor controls;
 - viii. Operations of storm water controls;
 - ix. Groundwater and wastewater discharge monitoring.
 2. The availability of and equipment for use of a water supply.
 3. The type and capacity of equipment to be used.
 4. Plans for fire, nuisance, water pollution, odor and vermin control.
 5. A diagram and written description of any supplemental or accessory transportation operations,
 6. A hydrological survey.
 - c. Such other information as the commissioner ~~of public works~~ may reasonably require including but not limited to the business address of the applicant.
 - d. A processing fee of \$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 **one hundred** ~~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 **two hundred and fifty** ~~250~~ feet from any abutting real property lines and a minimum of **two hundred and fifty** ~~250~~ feet from the real property line of any residential property existing at the time the initial application for a permit, as required by section 130-64(b), is received by the commissioner ~~of public works~~.
 2. All other activities and structures shall be located a minimum of **one hundred** ~~100~~ feet from any abutting real property line, and a minimum of **two hundred and fifty** ~~250~~ feet from the real property line of any residential property existing at the time the initial application for a permit, as required by section 130-64(b), is received by the commissioner ~~of public works~~.
 3. Access roads upon or within the site may cross the impact buffer so long as any roads are located a minimum of **one hundred** ~~100~~ feet from the real property line of any residential property existing at the time the initial application for a permit, as required by section 130-64(b), is received by the commissioner ~~of public works~~.
 4. Rail lines and railways upon or within the site may cross the impact buffer so long as any such rail lines and railways upon or within the site are located a minimum of **one hundred** ~~100~~ feet from the real property line of any residential property existing at the time the initial application for a permit, as required by section 130-64(b), is received by the commissioner ~~of public works~~.
- c. Vegetative buffer. A vegetative buffer must be provided between solid waste transfer station or processing facility and any abutting real property line or public street right-of-way.
1. Existing trees and vegetation must be maintained and preserved within **fifty** ~~50~~ feet of any abutting property line of any real property lines of any property zoned industrial and any public street or right-of-way, and within **seventy-five** ~~75~~ feet of any abutting real property lines of any property not zoned industrial.
 2. Where any portion of any property line of a lot containing a solid waste transfer station or handling facility is within **two hundred and fifty** ~~250~~ feet of any residential property, any existing trees and vegetation must be maintained and preserved within **fifty** ~~50~~ feet of the real property line.
 3. Where the natural growth within the proscribed distance of the abutting real property line or public right-of-way does not effectively screen the site from the view from abutting properties or right-of-way, then screening shall be

provided, subject to the approval of the commissioner ~~of public works or~~
~~authorized designee.~~

- d. Vehicular access. All applicants for a solid waste transfer station operating permit must demonstrate compliance with the following traffic and vehicular access provisions:
 1. Access for motor vehicles to the facility must be paved and may be provided from any street that is not a residential local or residential collector street. Any access point to the facility must be a minimum of **two hundred and fifty** ~~250~~ feet from the real property line of any residential property.
 2. A metal gate shall be installed on the site to prevent unauthorized motor vehicles from entering the facility, and shall be closed and locked when the facility is not in operation. The entrance to the facility must have an operator or attendant in attendance at all times when the facility is in operation.
 3. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
 4. Vehicular access to the facility must be of a nature sufficient enough so as to ensure that the normal flow traffic on any street or public right-of-way will not be obstructed or impacted by vehicles entering and exiting the facility.
 - e. Fences. All solid waste transfer stations or processing facilities shall be enclosed with a fence not less than eight 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 **community 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 **property lot** containing a solid waste transfer station or processing facility is within **five hundred** ~~500~~ feet of any residential property, the facility may not accept waste earlier than 7:00 a.m. or later than 6:00 p.m. on any 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 **Ceode** 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 38: That Section 130-65 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-65. Environmental damage insurance policy.

- (a) *Required for private landfill facilities and transfer stations.* The commissioner ~~of public works~~ shall require, as a pre-condition of an annual operating permit required under sections 130-63 and 130-64 of this Code, all solid waste sanitary landfill facilities and all solid waste transfer stations or processing facilities which are not operated by governmental agencies to obtain and maintain in force an environmental damage insurance policy, a security bond, a self-insurance certificate or a trust fund certificate in the amount of \$1,000,000.00.
- (b) *Indemnification.* The **property** owners of solid waste sanitary landfill facilities, solid waste transfer stations or processing facilities shall indemnify the city against all claims of damages and responsibilities for cleanup due to environmental degradation of the air, land, surface water and groundwater within the jurisdiction of the city caused by the facility during the period which such owner owned the solid waste landfill, solid waste transfer station or processing facilities.
- (c) *Proof of insurance.* The **property** owner of a solid waste transfer station or processing facility shall show proof of insurance, self-insurance, a trust fund certificate or a security bond before the owner is issued the annual operating permit by the city.
- (d) *Conflict with federal or state requirements.* The requirement for obtaining and maintaining in force an environmental damage insurance policy, a security bond, a trust fund certificate or a self-insurance certificate shall not be construed as usurping the financial requirements established by the United States Environmental Protection Agency or the state environmental protection division for closure and postclosure care of the facilities.

SECTION 39: That Sections 130-66 through 130-75 continue to be reserved.

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SECTION 40: That Section 130-76 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 **annually** by the commissioner of ~~public works or authorized designee~~.
- (b) *Annual solid waste services report.* No later than the first ~~Ceity~~ **Ce**ouncil meeting in January of each year, the commissioner shall file with the municipal clerk an annual report of solid waste services in the City **solid waste service area** of ~~Atlanta~~. The report shall include information including, but not limited to the following:
 - (1) Any information required by the ~~Atlanta~~ City Council, including, but not limited to the following:
 - a. The amount of solid waste collected, processed, and disposed of **by in** the City of ~~Atlanta~~;
 - b. The progress on the reduction in solid waste, as evidenced by the amount of solid waste disposed at disposal facilities, in the previous year;
 - c. Recycling and composting activities in existence; and
 - d. Public information and education activities during the previous year.
 - (2) Any recommended change to the fees and charge levied in conjunction with the delivery of services by the City of ~~Atlanta~~ through its solid waste management system, determined according to the provisions of section 130-77;
 - (3) Specific information regarding the curbside collection program of the City of ~~Atlanta~~:
 - a. The number of single-family residential, 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 customers by the City of ~~Atlanta~~;
 - d. The number of service calls delivered by the bureau of solid waste services for the collection of bulky items, mixed debris piles, and rubbish;
 - (4) Any other information deemed necessary by the ~~Ceity~~ **Ce**ouncil.

SECTION 41: That Section 130-77 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-77. Solid waste **taxes, assessments, and** service fees **and charges**.

- (a) *Established.* **Pursuant to City Charter Section 6-101(f) and (g), the City Council determines it** ~~It is determined~~ necessary for the protection of public health, welfare and convenience of the city to **assess, levy and impose taxes and assessments, and establish** ~~fix~~ and collect solid waste **utility rates, fees and other charges, as applicable as set forth**

below, applicable to each property ~~service charges upon the owner of each property lot within the city~~ **solid waste service area.**

- (b) *Determination of amounts.* ~~For the purposes provided in subsection (c) of this section, there is charged and assessed to the owner of each lot within the city a solid waste service charge and assessment payable as provided in this subsection and in the amount determinable as follows:~~
- (1) The solid waste **taxes, assessments, and service fees and charges** shall be recommended annually by the commissioner, subject to the approval of ~~the~~ **City Ceouncil**, to provide sufficient revenue for operation, **maintenance, repair and replacement** of the solid waste ~~collection and disposal~~ system, to pay **solid waste system** debt requirements and to provide necessary reserves for debt and **solid waste system** improvements as set forth in the annual budget. The solid waste **taxes, assessments, and service fees and charges** shall be made effective January 1 of each year. **In the absence of annual recommendation, the then existing solid waste taxes, assessments and service fees and charges shall remain in effect until revised by the City Council.**
 - (2) No person disposing of **solid** waste materials at any solid waste disposal facilities or transfer stations operated by the city, either under a permit or without a permit, shall be relieved from **payment of any applicable solid waste taxes, assessments, and service fees and charges** ~~assessed by the city.~~
 - (3) Senior citizen discount. The solid waste **taxes, assessments, and services fees and charges** ~~services charge made effective January 1 of each year~~ shall provide for a 30 percent exemption from solid waste services fees for residential **property owners** ~~customers~~ who are 65 years of age or over and who have an annual household income of \$39,000.00 or less, **with the exempted solid waste taxes, assessments and service fees and charge to be credited to the solid waste enterprise fund from the City general fund.**
- (c) *Uses of proceeds.* The revenue received from the collection of the **solid waste taxes, assessments, and service fees and charges** as authorized in this section, together with all such other revenue derived from the operation of the city's solid waste ~~collection and disposal~~ system, shall be deposited with the chief financial officer and credited to the solid waste enterprise fund and shall be used for the following purposes:
- (1) The operation, ~~and~~ **maintenance, repair, replacement, and improvement** of the solid waste collection and disposal system and incidental expenses connected therewith;
 - (2) To pay debt requirements on revenue bonds issued to provide funds for **capital expenditures for the construction, improvement or repair** of the solid waste collection and disposal system facilities ~~used in connection with the operation of the system;~~
 - (3) To purchase or lease property **for the solid waste system; and**
 - (4) To provide funds for the necessary reserves for debt and improvements **for the solid waste system;**
 - (5) **To reimburse the City general fund for deficit funding of the solid waste system expenses from the general fund to the extent solid waste system revenues were not sufficient to cover solid waste system expenses;**

- (6) To reimburse other City departments for the allocable share of the cost of direct and indirect services provided by other City funds to the solid waste enterprise fund; and
- (7) Provided, that except as set forth in (1) through (6) above, solid waste system revenues cannot otherwise be used for City general fund expenses or other City fund expenses.

SECTION 42: That Section 130-78 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-78. **Surcharge** ~~Commercial and industrial surcharge.~~

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

SECTION 43: That Section 130-79 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-79. **Abandoned vehicle** ~~Junked automobile~~ removal charge.

- (a) *Established.* **Each title** ~~Any~~ owner of **an abandoned vehicle** ~~a junked automobile~~ removed **from any property or roadway** by the city shall be charged and assessed a fee for the removal **and disposal** of the **vehicle** ~~automobile~~.
- (b) *Determination of amounts.* The charge established in subsection (a) of this section shall be determined annually by the commissioner based on the current cost of removal **and disposal of abandoned vehicles and are effective upon the date of determination by the commissioner** ~~of junked automobiles. The charge for removal of automobiles shall be filed with the municipal clerk by the commissioner not later than two weeks following adoption of the annual budget and shall be made effective January 1 of each year.~~

SECTION 44: That Section 130-80 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

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

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

SECTION 45: That Section 130-81 shall continue to be reserved.

SECTION 46: That Section 130-82 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-82. Fees for recycling.

- (a) A fee of ~~\$88.00~~ per year is established for the provision of recycling services for each single-family residence ~~and for each unit of duplex, triplex and quadruplex residences.~~
- (b) All ~~residents~~ **citizens** age 65 or older who ~~earned~~ **have** less than \$25,760.00 of income for calendar year 2021 are 100 percent exempted from this and for all subsequent years are 75 percent exempted **upon application to the commissioner, with the exempted fee to be credited to the solid waste enterprise fund from the City general fund.**

SECTION 47: That Section 130-83 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-83. Billing and collection.

- (a) *Solid waste **taxes, assessments, and service fees and charges.***
 - (1) The ~~assessment~~ of solid waste **taxes, assessments, and service fees and** charges as set forth in this division shall be made by the city and collection of the **same assessments** may be undertaken by the city or through intergovernmental agreements or contracts with private entities as approved by applicable law.
 - (2) The ~~assessment~~ of solid waste **taxes, assessments, and service fees and** charges shall be **billed as of** ~~made on~~ July 1 of each year at the **amounts** ~~rates~~ then in place and such **bills** ~~assessment~~ shall be for **twelve** ~~12~~ months of service and shall be payable not more than **ninety** ~~90~~ days from the date of mailing of the **bill** ~~assessment~~.
 - (3) All **bills** ~~assessments~~ paid after the due date shall bear interest at the rate of 1 percent per month from the date the **bill** ~~assessment~~ is due until the date the **bill** ~~assessment~~ is paid. For the purposes of this subsection, any period of less than one month shall be considered to be one month.

- (4) **Bills** Assessments for properties **placed in beginning** service after January 1 shall be charged a prorated fee based on the number of days between the date that **the property is placed in** service begins and the **end of that calendar year**. ~~date of the next annual assessment.~~ The due date of such prorated **bill** assessments shall be ~~the later of~~ **ninety 90** days from the ~~date that service begins or 90 days from the date of mailing of the~~ prorated **bill**. ~~assessment.~~ All prorated **bills** assessments paid after the due date shall bear interest at the same rate as annual **bills** assessments.
- (5) A minimum **bill** ~~assessment~~ of \$5.00 shall be applied to all billable **properties residential units receiving solid waste services.**

(b) *Commercial and industrial surcharge.*

- (1) The ~~assessment and~~ collection of **property commercial and industrial** surcharges as set forth in this division shall be made by the city. The ~~assessment and~~ collection of annual **bills** ~~charges~~ shall be made quarterly with the first installment due and payable on January 1. The first installment shall be based on **amounts** ~~charges~~ established for the previous year. If the **amounts** ~~charges~~ are revised as provided for in this division, the remaining installments will be revised to reflect the revised annual **amount** ~~rate~~.
- (2) ~~The tenant occupying or the owner of the commercial and industrial property, as the case may be, shall submit to the city on forms furnished by the city an estimate of the volume of solid waste, either bags or industrial containers with cubic yard sizes, required to be removed during a one week period and an estimate of the number of collections per week required to remove that waste. The estimates shall be submitted to the city at least 1½ months prior to the quarterly billing period. The quarterly surcharge shall be based on the estimate so furnished.~~
- (3) ~~At any one time during any calendar quarter, if a revised estimate is received by the city on a date which is at least 17 days before the end of the quarter, each industrial and commercial occupant or owner shall have the right to revise the estimate previously submitted to the city so as to amend, modify or change the estimate as to the type of service, the number of pickups per week or the volume of service per pickup.~~

(4)

Solid waste collection service by the city may be instituted at any time during the calendar quarter upon the **property industrial and commercial** ~~occupant or owner~~ submitting to the commissioner ~~of public works~~ **an application for service, and** estimate as provided in this subsection and a requested date of the commencement of the service, **and the commissioner issuing a permit to the property owner for such service.**

(5)

- (3) ~~Upon the cessation of any industrial or commercial business, by written notice, any industrial and commercial occupant or owner~~ **Any permitted property owner** may discontinue solid waste collection service by the city upon giving written notice of the date the service is to be terminated, provided that the notice is received by the **commissioner** ~~bureau of solid waste services~~ not later than the 15th day of the calendar month preceding the next calendar quarter billing period. The termination date of the service must be subsequent to the date the notice is received by the city.

~~(6)~~—

- (4) The commissioner of ~~public works~~ shall from time to time, for periods of one week or longer, audit the volume of solid waste being removed from these properties and the number of pickups required for removal and shall thereafter adjust by decreasing or increasing the amount of the surcharge for the property audited so that the surcharge shall conform and be based upon the results of the audit.
- (c) **Abandoned** ~~Junked~~ *automobile removal charge*. The assessment and collection of **abandoned** ~~junked~~ automobile removal charges as set forth in this division shall be made by the city. The assessment of these charges for the removal of these **abandoned** automobiles shall be made when the automobile is removed by the city. Payment shall be due and payable within **fourteen** ~~14~~ days of the assessment.
- (d) *Charges for disposal of solid waste at city facilities*. The assessment and collection of charges for disposal of solid waste at city facilities as set forth in this division shall be made by the city. Payment of disposal charges shall be made by coupons purchased from the city before the waste is dumped at the disposal facility.

SECTION 48: That Section 130-84 be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Sec. 130-84. **Taxes, Assessments, Service Fees and Charges** ~~Rates and charges~~.

The taxes, assessments, service fees and charges set forth below are adopted:

(a) **The following solid waste collection and disposal charges:**

- (1) **Residential: \$409.45 per year for each residential dwelling where the garbage is collected in containers by the City; a senior citizen discount is applied to this amount based on data from the Fulton County Board of Assessors and DeKalb County Tax Commissioner, as applicable, in accordance with Section 130-77(b)(3).**
- (2) **All other properties: \$9,085.20 per year per dumpster where the garbage is collected by the City two times a week; \$22,713.01 per year dumpster where the garbage is collected by the City five times a week.**
- (3) **Residential backyard removal service fee: \$1,053.92 per year.**

(b) **The following solid waste recycling fee:**

- (1) **Residential recycling fee: \$120.18 per year.**
- (2) **Residential backyard recycling removal service fee: \$309.20 per year.**

(c) **The following sanitary service tax is assessed annually on all taxable property for all street based sanitary services and all common good sanitary services provided by the City, including Street Sweeping, ROW Mowing, Trash Receptacles Pickup, SWEET, Keep Atlanta Beautiful, Community Cleanup, Illegal Dumping, Dead Animal Disposal, Lot Clearing, and Illegal Sign Removal, at the rate of 68.6¢ per \$1,000 of net taxable assessed value after all exemptions of each parcel.**

The following rates and charges are hereby established for solid waste collection and shall become effective April 1, 2019:

- ~~(1) Residential rate: \$365.81 per year.~~
- ~~(2) Duplex or triplex rate: \$365.81 per year for each separate living unit in excess of one.~~
- ~~(3) Condominiums, townhouse, public housing or any other multi family dwelling rates: A flat charge of \$63.39 per year dwelling unit and one of the following charges, as appropriate:
 - ~~a. For condominiums, townhouse, public housing or any other multi family dwellings 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:
 - ~~1. Parcels from 1 — 100 feet: \$1,000.00~~
 - ~~2. Parcels from 101 — 200 feet: \$2,000.00~~
 - ~~3. Parcels from 201 — 450 feet: \$4,500.00~~
 - ~~4. Parcels from 451 — 700 feet: \$7,000.00~~
 - ~~5. Parcels from 701 — 850 feet: \$8,500.00~~
 - ~~6. Parcels greater than 850 feet: \$12,000.00~~~~
 - ~~b. For condominiums, townhouse, public housing or any other multi family dwellings located outside of the above listed land use zones, the following Tier 2 rates shall apply:
 - ~~1. Parcels from 1 — 100 feet: \$500.00~~
 - ~~2. Parcels from 101 — 200 feet: \$1,000.00~~
 - ~~3. Parcels from 201 — 450 feet: \$2,250.00~~
 - ~~4. Parcels from 451 — 700 feet: \$3,500.00~~
 - ~~5. Parcels from 701 — 850 feet: \$4,250.00~~
 - ~~6. Parcels greater than 850 feet: \$6,000.00~~~~
 - ~~c. \$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 six units) is collected from individual containers, garbage cans or bags;~~
 - ~~d. \$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 six units) is collected from industrial containers;~~
 - ~~e. 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;~~

~~f. — \$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: \$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:~~

~~1. — Commercial parcels from 1—100 feet: \$1,000.00~~

~~2. — Commercial parcels from 101—200 feet: \$2,000.00~~

~~3. — Commercial parcels from 201—450 feet: \$4,500.00~~

~~4. — Commercial parcels from 451—700 feet: \$7,000.00~~

~~5. — Commercial parcels from 701—850 feet: \$8,500.00~~

~~6. — Commercial parcel greater than 850 feet: \$12,000.00~~

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

~~1. — Commercial parcels from 1—100 feet: \$500.00~~

~~2. — Commercial parcels from 101—200 feet: \$1,000.00~~

~~3. — Commercial parcels from 201—450 feet: \$2,250.00~~

~~4. — Commercial parcels from 451—700 feet: \$3,500.00~~

~~5. — Commercial parcels from 701—850 feet: \$4,250.00~~

~~6. — Commercial parcel greater than 850 feet: \$6,000.00~~

~~(7) — Public property charge for services that have been contracted: A flat charge of \$479.42 per year for each parcel. For public housing charges, see subsection (3)a.—d. For government buildings garbage collection, see surcharges, subsection (6).~~

~~(8) Residential vacant land: A flat charge of \$500.00 per year per parcel. A vacant lot adjacent to a primary residence upon which an owner receive a homestead exemption shall be entitled to an annual charge of \$150.00 per parcel in lieu of the \$500.00 per parcel charge, provided the owner submits the proper documentation to the commissioner of public works. All vacant parcels with an outstanding housing code violation shall be charged a flat charge of \$1,000.00 per year.~~

~~(9) Building of public worship rate: A flat charge of \$400.00 per year per parcel. In addition to the 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)~~

(d) The following service fees and charges for private landfill site and transfer station operations:

Minimum; private landfill site and transfer station operations: A minimum of \$1.10 per ton and each fraction of a 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)~~

(e) The following service fees and charges for special situations:

~~(1) 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) (2) Excess bagged garbage, excess yard trimmings and/or overfilled bins: \$12.00 per bag/occurrence.~~

~~(13) (3) Bulky waste: \$325.00 per address for a one (1) truck capacity load for all calls exceeding twelve the established maximum scheduled calls per year.~~

(f) The following solid waste services shall be assessed through permit fees established by the City from time to time:

Fortification and Special Event Cleanup.

(g) All exempt property sanitary service expenses and all customer discounts and Section 130-77(b)(3) discount will be funded from the City General Fund.

SECTION 49: That Section 130-85, previously reserved, shall be amended to create a new section that shall read as follows:

Secs. 130-85. Administrative Review of Disputes.

(a) The commissioner or their designee has the authority to review disputes regarding the correctness of a sanitary or solid waste tax or assessment, a solid waste utility bill, or the imposition of solid waste utility rates, fees, and charges. The initial determinations by the City that are the subject of the dispute are presumed to be reasonable. The customer shall have the burden of proving that they are entitled to relief under this administrative process. The commissioner shall have no authority to alter or waive the solid waste utility taxes, assessments, rates, fees, or charges, unless approved by the City Council, or otherwise determined after an administrative determination.

(b) A customer shall submit a dispute on a form provided by the city no less than seven days prior to the due date of a disputed solid waste utility tax, assessment, or bill. A customer may not submit a dispute on behalf of a group or class of customers, property owners, persons or entities. If a third party paid a solid waste utility tax, assessment, or bill for a property, the customer cannot submit a dispute without the third party joining in and executing the written dispute.

(c) The commissioner or their designee is authorized to correct administrative errors regarding a solid waste tax or assessment, a solid waste utility bill, or the imposition of solid waste utility rates, fees, and charges upon submittal of a dispute pursuant to the requirements of this section. The commissioner or their designee will investigate the basis of the dispute and may request evidence from the customer to facilitate such investigation. After the investigation has been completed, the commissioner or their designee will send a written response to the customer stating the result of the investigation. The written response will be in the form of a letter by first class United States mail, or email if elected by the customer, and will include notice of the availability of a hearing before the Solid Waste Appeals Board. The written response is deemed to have been received by the customer, if sent by first class United States mail - on the third business day after the letter was mailed by the city, and if sent by email - on the first business day following transmission of the email by the city.

SECTION 50: That Section 130-86, previously reserved, shall be amended to create a new section that shall read as follows:

Sec. 130-86. Right of appeal.

(a) A customer may appeal the commissioner or their designee's determination pursuant to section 130-85 regarding the correctness of the customer's sanitary or solid waste tax or assessment, a solid waste utility bill, or the imposition of solid waste utility rates, fees, and charges by filing an appeal to the Solid Waste Appeals Board. The appeal shall be filed with the commissioner of the department of public works on a form provided by the city, describing the basis of the appeal and the specific date of the bill in dispute. A customer must file their written appeal to the Appeals Board within seven business days of the date that the written response was received by the customer as provided for in section 130-85. The customer may elect to authorize the Appeals Board to administratively review the basis

of the dispute and decide upon the customer's appeal without requiring the customer to appear before the Appeals Board for the hearing.

(b) If the customer does not appeal the commissioner or their designee's determination pursuant to Section 130-86(a), the customer will be deemed to have accepted the commissioner or their designee's determination, and no further appeal or challenge may be filed by the customer.

SECTION 51: That Section 130-87, previously reserved, shall be amended to create a new section that shall read as follows:

Sec. 130-87. Solid Waste Appeals Board.

(a) There is created a Solid Waste Appeals Board which shall consist of nine persons who shall be residents of the solid waste service area.

(b) Members of the Appeals Board shall be selected as follows:

(1) One member will be nominated by the mayor. Six members will be nominated by the paired district councilmembers, one member will be nominated by the president of city council, and one member will be nominated by the at-large councilmembers. With regard to the members nominated by the paired district councilmembers, the district councilmembers shall nominate the six members in the following manner:

(a) Districts 1 and 2.

(b) Districts 3 and 4.

(c) Districts 5 and 6.

(d) Districts 7 and 8.

(e) Districts 9 and 10.

(f) Districts 11 and 12.

(2) The nominations shall be voted on by the entire city council, which shall either approve or disapprove each nomination.

(3) The membership shall consist of five lay persons and four other persons, with each of the latter having certification in or one or more year of professional experience, legal advising, or consulting in, one or more of the following fields: accounting; urban planning; civil or traffic engineering; or waste management.

(c) Each member of the Appeals Board shall be paid \$100.00 for attending the entirety of each Appeals Board meeting; provided, however, the total amount paid to any member shall not exceed the sum of \$10,500.00 in any one calendar year.

(d) Appeals Board members shall be appointed for four-year terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner that the initial appointment was made. No person shall serve more than eight consecutive years as a member of the Appeals Board.

(e) The Appeals Board shall elect a member annually to serve as the chair to preside at all meetings of the Appeals Board, for whatever purpose called, and shall perform and exercise all of the functions, powers and duties granted or assigned by applicable law to a person who presides at or chairs meetings of the Appeals Board; provided, however, the member shall not be permitted to vote on any matters brought before the Appeals Board except to break tie votes. The Appeals Board may elect another member to preside in the absence of the presiding officer, and such person shall also not be permitted to vote while presiding except to break tie votes. Five members of the Appeals Board will constitute a quorum, so long as at least one member present has the professional or educational requirements pursuant to section (b)(3) of this section.

(f) The Appeals Board shall establish its own rules of procedure for the accomplishment of its duties and functions, provided that such rules shall not be in conflict with this Code, state and federal law, and any applicable bond or other ordinances.

(g) The Appeals Board shall address administrative-related matters exclusively; it shall not have the authority to make policy decisions.

(h) The duties and authority of the Appeals Board shall be to:

- (1) Consider and rule on determinations made pursuant to Section 130-85 provided that such appeals are timely.
- (2) Set forth findings of fact and conclusions as to the dispute.
- (3) Furnish the following to the party appealing the written decision of the commissioner or their designee:
 - (a) An opportunity to be heard in person, and to present witnesses and documentary evidence.
 - (b) The right to be represented by counsel, although counsel shall not be furnished by the City.
 - (c) The right to confront and cross examine employees or agents of the City as to the basis for determining the amount billed.
- (4) Make a final determination as to the disputed amount.
- (5) The Appeals Board's powers on appeal are limited to those of the decision maker from which the appeal is made.

(i) The executive branch shall provide such staff services as may be required for the efficient operation of the Appeals Board, through the department of public works.

SECTION 52: That Section 130-88, previously reserved, shall be amended to create a new section that shall read as follows:

Sec. 130-88. Judicial Review

The City or customer may appeal the Appeal Board's determination by filing a writ of certiorari to the relevant superior court within the time provided for in Title 5 of the O.C.G.A.

SECTION 53: That the amendments in this ordinance shall become effective immediately and shall be applied to bills dated as of July 1, 2022.

SECTION 54: 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 55: 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.