

ORDINANCE NO. 2013-30

AN ORDINANCE REPEALING CHAPTER 2 REFUSE COLLECTION AND DISPOSAL OF PART 4 PUBLIC WORKS OF THE CODE OF ORDINANCES FOR THE CITY OF VALDOSTA AND ENACTING A NEW CHAPTER FOR REGULATION OF SAME.

BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by authority of same, as follows:

Chapter 2 *Refuse Collection and Disposal* of Part 4 *Public Works* of the Code of Ordinances for the City of Valdosta is hereby repealed in its entirety and in lieu thereof a new Chapter 2, *Refuse Collection and Disposal* of Part 4 *Public Works* of the Code of Ordinances is enacted to read as follows:

Sec. 4-2001. Definitions.

For the purpose of these regulations the following words and phrases shall have the meanings ascribed to them in this section:

- (a) "Appliances, Furniture or White Goods" means items or rubbish that weigh more than twenty-five (25) pounds gross weight.
- (b) "City Manager" means the person occupying this position as provided in the Charter of the City, or his representative.
- (c) "Central Downtown Area" shall mean that area consisting of the area bounded on the north by Magnolia Street, on the east by Lee Street, on the south by Branch Street, and on the west by Toombs Street. Said area shall include all properties abutting on the north side of Magnolia Street, the east side of Lee Street, the south side of Branch Street, and the west side of Toombs Street in the area described.

- (d) "City" means the City of Valdosta, Georgia.
- (e) "Collector" means the person or persons, as defined herein, who under formal agreements, verbal or written with or without remuneration, do the work of collecting and/or, hauling Solid Wastes.
- (f) "Construction Site" means any private or public property upon which repairs or renovations to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
- (g) "Construction Waste" means Solid Waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, or other structures. Construction waste includes, but is not limited to, scrap lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the material of construction or empty containers of such materials.
- (h) "Disposal Area" means a site, location, tract of land, or facility, used or intended to be used for the final disposal of Solid Waste, garbage, putrescible waste, hazardous waste, or other waste, except that it shall not include, the land or facility used for the disposal of Solid Waste or other waste from a single-family dwelling on which the owner, occupant or lessee of said land or facility resides.
- (i) "Garbage" means food, waste, including waste accumulation of animal or vegetable matter used for or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (j) "Hazardous Waste" means material in a solid or semisolid state resulting from the manufacture or use of pesticides or drugs (other than normal household use), pathological wastes, chemical wastes, flammable or explosive materials, and similar waste material in a solid or semi-solid state that the City Manager may consider a likely hazard to the public health or safety, except radioactive waste materials, as provided in rules of the Georgia Department of Natural Resources.

- (k) "*Industrial Waste*" or "*Industrial Solid Waste*" means the Solid Waste materials from factories, processing plants and manufacturing enterprises, and includes food processing wastes, meat and poultry processing waste, hatchery waste, construction and demolition waste, condemned food, ashes and cinders from power plants, agriculture products waste, land clearance waste, and similar waste.
- (l) "*Litter*" means any organic or inorganic waste material, rubbish, refuse, garbage, trash, poles, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.
- (m) "*Mayor and Council*" means the legally designated governing body of the City, namely the mayor and council.
- (n) "*Person*" means any person, partnership, public or private corporation, association, institution, individual or other entity.
- (o) "*Premises*" means land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which Solid Waste is stored.
- (p) "*Primary Contractor*" means the contractor that pulls a permit with the City of Valdosta and is responsible for the entire construction project.
- (q) "*Recyclable Materials*" means newspapers, glass bottles, metal cans, aluminum cans, plastic bottles and corrugated boxes.
- (r) "*Rubbish*" means a variety of combustible and non-combustible waste not subject to rapid decomposition derived from places of residence, commercial areas and institutions and shall include paper, rags, plastics, cartons, boxes, metals, minerals, crockery, excelsior, bedding, discarded clothing, and similar materials.
- (s) "*Scavenge*" means uncontrolled rummaging through discarded Solid Waste materials.
- (t) "*Solid Waste*" means putrescible and non-putrescible

waste, except human body waste, and shall include garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, dunnage, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue incineration, food processing wastes, demolition wastes, construction wastes, and any other wastes in a- solid or semi-solid state, not otherwise defined in this section.

- (u) "Waste" means unwanted or discarded material, except human body waste.
- (v) "Yard Waste" means leaves, pine straw, limbs, grass or cuttings from bushes.

Sec. 4-2002. Administration and appeals.

- (a) **Responsibility for administration.** The Mayor and Council, in order to protect the health and safety of the people in the City , authorizes and directs the City Manager, by implementing and enforcing the provisions of these regulations, to control the storage, collection, and disposal of Solid Waste in the incorporated areas of the City. The City Manager shall plan, organize, procure equipment and personnel, and manage a publicly owned and operated Solid Waste collection and disposal service and/or, establish criteria for evaluation of private collection and disposal services, make recommendations to the Mayor and Council regarding contracts for Solid Waste collection and/or, disposal between the Mayor and Council and private collectors and/or, disposal site owners and/or operators, and shall regulate the establishment, maintenance and operation of public or private Solid Waste collection, and/or, disposal systems, methods and sites.
- (b) **Functions of City Manager.** Collection, transportation and disposal of Solid Waste shall be under the supervision and control of the City Manager, who shall have authority to establish routes and days of collection, types and locations of Solid Waste containers, and such other necessary matters pertaining to collection, transportation and disposal of Solid Waste and to change and modify the same after notice as required by law, provided such measures are

not contrary to the provisions of these regulations.

- (c) **Collection by City.** All Residential Solid Waste generated or accumulated in the incorporated areas of the City shall be collected, transported and disposed of by the City through its designated agents, employees, or contract representatives. No other person shall collect, transport or dispose of any Residential Solid Waste generated or accumulated in the City. All Commercial Solid Waste shall also be collected, transported and disposed of by the City or through private firms licensed and franchised by the city.
- (d) **Industrial Solid Waste.** These rules and regulations shall not prohibit the producers of industrial Solid Waste or the owner of premises upon which industrial Solid Waste has accumulated from collecting, transporting and disposing of such waste, subject to laws and regulations pertinent thereto, if such service is not provided by the City.

Sec. 4-2003. Precollection.

(a) **Containers.**

- (1) All residential and some small commercial customers will utilize a ninety-six (96) gallon roll-out container as well as an eighteen (18) gallon recycling bin. These containers will be provided to every residence and some small commercial customers on a one-time basis. If a container is removed from the residential or small commercial location the replacement container will be paid for by the occupant or owner of the residential or commercial location.
- (2) Some small commercial customers who pay for twice weekly pickup may utilize up to three (3) ninety-six (96) gallon containers furnished by the customer.
- (3) Disposable plastic bags and corrugated boxes are to be used to dispose of rubbish that will not fit in the roll-out container. The bags or boxes shall be placed beside the roll-out garbage container on the scheduled day of collection.

These containers shall never be placed with yard trimmings.

(b) **Preparation.**

- (1) Garbage, rubbish and recyclable materials shall be drained of excess liquids before being placed for collection.
- (2) All rubbish shall be placed at the curbside, streetside or alleyway for collection.
- (3) Roll-out containers shall be placed at the curbside, streetside or alleyway for collection.
- (4) Recyclable containers shall be placed at the curbside, streetside or alleyway for collection
- (5) Yard waste shall be placed at the curbside, streetside or alleyway for collection. Limbs or cuttings when placed in bundles shall not exceed thirty-five (35) pounds gross weight per bundle and shall not be over four (4) feet in length and four (4) inches in diameter.
- (6) Trees, large bushes or shrubbery that are trimmed by anyone other than a resident where left for pickup or by commercial trimmers or tree surgeons, are not to be picked up by the City. All persons other than residents trimming or cutting trees, large bushes or shrubbery shall be responsible for disposing of the residue of trees, bushes or shrubbery that are trimmed.

(c) **Construction Site.**

- (1) (i) **Litter prohibited.** It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, to permit, or allow the presence of litter or construction waste on such site outside of a proper receptacle or to cause, permit, or allow litter or construction waste to be spilled, discharged, or blown by wind or water. It shall be the responsibility of the owner or agent of the property and the primary contractor performing work on the site to keep the property

free of litter. All litter and construction waste from construction activities or any related activities shall be picked up at the end of each workday and placed in containers, which will prevent litter and construction waste from being carried by the elements to adjoining premise.

(ii) **Receptacles required.** The owner, agent, or primary contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or covered so as to prevent litter and construction waste from being spilled, discharged, or blown by wind or water. The primary contractor should determine the number and capacity of receptacles to be present at each construction site. All receptacles shall be emptied as necessary, but not less frequently than weekly. All receptacles required under this sub -section shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.

(iii) **Construction site stormwater runoff control.** Per 40 Code of Federal Regulations (CFR), Part 122.34(b)(4)(ii)(C), incorporated into NPDES Permit No. GAG610000, the construction site operator(s) is required to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse water quality impacts.

(iv) **Exclusion.** The requirement for receptacles in this section shall not apply to any construction site on which only repair or renovation of the building is taking place and this work is being performed by the owner of the property, who is also a resident on the property, where work is being performed. This provision in no way eliminates any responsibility of any party regarding sub section (a) under this provision regarding keeping the property free of litter.

(v) **Penalties.** Failure to abide by this ordinance shall subject the violating party to a fine not less than \$100.00 and not more than \$500.00 per first offense. The second offense and each offense there after shall have a minimum fine of \$350.00. The offender shall be billed no less than \$75.00 per pickup if the material is picked up by the City of Valdosta.

- (2) Appliances, furniture, and/or white goods (stoves, dishwashers, washers and dryers, etc.) shall not be placed on the curb until the resident has called for a special pickup. Failure to call and request a special pickup shall result in a \$25.00 fee for disposal without prior notice. Property owners and/or property management companies that serve dispossessory notice on residents will be responsible for calling for a special pickup the day before the dispossession is to be served on the resident. Failure to comply will result in a fine of \$50.00 and a charge for disposal of not less than \$75.00 for each pickup when done by the City.

(d) **Storage.**

- (1) Rubbish shall be stored five (5) feet from the residence building until the day of garbage collection. Rubbish shall be placed on the curb with the roll-out container no earlier than twelve (12:00) o'clock p.m. of the day before the day of collection.
- (2) Roll-out containers shall be stored at least five (5) feet from the rear or side of the residence building. Roll-out containers shall be placed on the streetside or alleyway no sooner than twelve (12:00) p.m. of the day before the day of collection. Roll-out containers shall be removed from the streetside or alleyway and stored in the proper storage location by twelve (12:00) o'clock p.m. of the day following the collection day. Roll-out containers that are positioned on the streetside or alleyway before or beyond this time period shall be subject to a ten dollar (\$10.00) charge per incidence that will be added to the monthly sanitation bill.

- (3) Recyclable containers shall be stored in the residence building and placed on the streetside or alleyway no earlier than twelve (12:00) o'clock p.m. of the day before the day of collection. Recyclable containers shall be removed from the streetside or alleyway and stored in the proper storage location by twelve (12:00) o'clock p.m. of the day following the day of collection. Recyclable containers that are positioned on the streetside or alleyway before or beyond this time period shall be subject to a ten dollar (\$10.00) charge per incidence that will be added to the monthly sanitation bill.
 - (4) Yard waste may be placed at the curbside, streetside or alleyway at any time, but preferably on the day of collection.
 - (5) Building materials generated by the residence building owner shall be stored five (5) feet from the residence building until the day of garbage collection. Rubbish shall be placed on the curbside, streetside or alleyway with the roll-out container no earlier than twelve (12:00) o'clock p.m. of the day before the day of collection.
 - (6) Appliances, furniture or white goods shall be stored in the residence building until pickup date and time is arranged, and then placed at curbside, streetside or alleyway.
- (e) **Scavenging.** No person other than the owner thereof, or an agent or employee of the City Manager, or any employee of a person holding a contract with the City for collection of Solid Waste, shall interfere with any container placed for the purpose of storage of Solid Waste or recyclable materials pending collection, or remove or take any of the contents thereof, or remove any such container from the location where same shall have been placed by the owner thereof, unless permission to do so has been granted by the City Manager.

Sec. 4-2004. Collection.

- (a) **Limitations.** No person shall contract for the

collection, transportation or disposal of Solid Waste who does not possess a current license for such business operation in the City. Applications for licenses shall be written and shall be considered after evidence has been presented to show that the applicant has received a current permit, appropriate to the type of business concerned, as required under Solid Waste regulations of the Georgia Department of Natural Resources, pursuant to Georgia Code Annotated, Title 12. Conservation and Natural Resources, Chapter 8. Waste Management, Article 2. Solid Waste Management, Part 1. General Provisions, §12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators. Licenses shall then be issued in accordance with criteria established by the City Manager after payment therefore has been made in full.

(b) **Contract collectors.**

(1) The Mayor and Council may contract with others to engage in the business of collecting, transporting or disposing of Solid Waste, provided such persons have applied for and obtained an appropriate Solid Waste permit in accordance with regulations of the Georgia Code Annotated, Title 12. Conservation and Natural Resources, Chapter 8. Waste Management, Article 2. Solid Waste Management, Part 1. General Provisions, §12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators. Persons contracting for Solid Waste collections shall, before engaging in such business, be licensed by the City, shall conform to all regulations providing for safe and sanitary collection and transportation of waste to a point of disposal, and shall execute a bond to the City in the sum of not less than \$25,000 with a responsible surety company duly authorized to do business in the State to be approved by the Council which shall establish conditions for the full and faithful performance of all agreements and covenants in the contract.

(2) Vehicles to be used on streets and highways for Solid Waste collection, transportation or disposal shall be kept clean and shall be certified in regard to highway safety by the Motor Vehicle Division of the Georgia Department of Public Safety. Such vehicle bodies shall be in good condition and repair, covered and constructed in such manner that the contents thereof cannot be spilled or blown from the vehicle. The outside of the body shall be painted and identified by the name, telephone number, and permit number of the person owning the

collection business in letters and numbers not less than three (3) inches high and easily legible.

(c) **Dead animal collection.** Small dead animals, not over one-hundred (100) pounds in weight, if kept separate from garbage and rubbish, will be collected without charge upon notice to the City Manager, provided that a charge will be made for all such animals collected from animal hospitals, kennels, pet shops, and the like. Although owners of large dead animals shall be responsible for their removal and disposal, the City Manager may, at his discretion, remove large dead animals upon request and charge an appropriate fee therefor.

(d) **Recyclables.** All Solid Waste Collectors, both public and private, shall provide recycling services to all residential customers including those defined as multi-family (8 or more units) as follows:

(1) Such service shall be provided with pickup at least once a week and must be provided in a separate container from household garbage.

(2) Such service may be provided per unit with an 18 gallon or larger recyclable container, or a container such as a recycle bag or similar product, per unit; or by a large recycling container of such size to serve the entire complex or property, which shall have a lid to protect the recyclables from inclement weather. If one container for the entire complex is used it must be appropriately marked for recycling only and must be visibly located and accessible and must be located within the vicinity of any dumpster or whatever type of container is used for collection of household garbage in the complex.

(3) The recycled products disposal of in the container cannot be disposed of in a landfill and must be disposed of in an appropriate manner acceptable to the City and in accordance with the rules and regulations of the Georgia Environmental Protection Division for recycle goods.

Section 4-2005. Management of disposal facilities.

(a) **Authorized sites.** Sites approved for final disposal of Solid Waste shall be designated by appropriate signs posted near the roadside. Such sites shall be maintained in use until permanently closed in accordance with pertinent laws and regulations. At that time additional authorized sites shall be opened

and publicized by posting and through the press. All Solid Waste shall be delivered and deposited at authorized disposal sites in accord with the directions and orders of the City Manager or his representative in charge of operation except privately operated sites may be used for sanitary disposal of industrial waste or other specified waste upon approval of the City Manager and upon receipt of a disposal area permit issued pursuant to regulations of the Georgia Department of Natural Resources.

Sec. 4-2006. Control of private disposal sites.

- (a) It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any Solid Waste without having first obtained a disposal area permit as required by regulations of the Georgia Department of Natural Resources and acceptance of the site by the City Manager for such use and purpose.
- (b) The City Manager or authorized representative of the department of natural resources shall be permitted to enter private disposal sites at any time during normal business hours for free and unhindered inspections to determine compliance with these and all other pertinent laws and regulations.

Sec. 4-2007. Air pollution controls.

No person shall set fire to, or burn, any papers or other Solid Waste deposited at the disposal site or on the grounds thereof. No garbage or other materials from which offense or noxious odors emanate during combustion shall be burned outside of any building.

Sec. 4-2008. Financing.

- (a) **Fees for collection and disposal services.** There is hereby fixed, established and imposed upon, and there shall be collected from, each owner, and each occupant of residential or commercial properties within the City a sanitation tax computed in accordance with the following schedule (provided that only one such fee shall be collected with respect to any such property or unit thereof each month):

(1) **Garbage can collection service for residential and multifamily.**

(i) For single-family residences a "per month" charge shall be as set forth in the schedule of fees and charges on file in the office of the Deputy City Manager of Operations.

(2) **Commercial.**

(i) For each store, shop, restaurant, hotel, motel, warehouse, office, boarding house, rooming house or other place of business operating in the City, per month fees shall be as set forth in the schedule of fees and charges on file in the office of the Deputy City Manager of Operations.

(c) **Deposits.** A deposit to secure payment of refuse collection service bills shall be paid to the City at the time service is granted, for those customers not serviced by the City's water system as follows:

(1) Residential customers shall deposit twice the monthly fee at the time of receipt of service. When a homeowner has a satisfactory record of payment for a period of two (2) years, his deposit will be refunded in full upon demand. Deposits shall not be refunded to renters.

(2) Multiple-dwelling units shall deposit twice the monthly fee as computed in subsection above.

(3) Commercial accounts shall deposit twice the monthly fee.

(a) **Commercial dumpster rates:**

(1) **Charges for collection.** Charges for collection of dumpster containers shall be based on: (1) size of the container, and (2) frequency of collections per week. Fees shall be as set forth in the schedule of fees and charges on file in the office of the Deputy City Manager of Operations.

(2) **Method of computing charges.** The number of

pickups per week, multiplied by the charge per pickup multiplied by four and one-third (4 1/3) equals monthly charge per container. The size of the dumpster in cubic yards dictates the "charge per pickup."

- (3) **Container size defined.** The size of each container in cubic yards shall be determined, by the director of public works by actual measurement of each container, and this determination shall be final. (Example: (1) Containers with a capacity of 3.5 to 4.499 cubic yards shall be considered a 4-cubic yard container; (2) containers with a capacity of 4.5 to 5.499 cubic yards shall be considered a 5-cubic yard container, etc.).
- (4) **"Container in use" defined.** "Container in use" for the purposes of this section shall mean a container of any size which has, or which is subject to have, any amount of Solid Waste deposited therein by a business or businesses during any calendar month.
- (5) **Minimum fee for container collection.** The minimum fee for collection of dumpster shall be determined by the size of the container. The minimum fee charged shall be for one collection per week for each container in use by the customer. The minimum fee shall be imposed for each container in use, regardless of whether or not the Solid Waste generated each week is less than the capacity of the container.
- (6) **Shared containers.** When more than one business shares in the use of a dumpster, the total monthly fee shall be divided by the total number of users and each user billed an equal share of the total fee.
- (7) **Determination of minimum pickups per week.** Unless additional pickups are desired and requested by the users of a container or containers, the minimum number of pickups required by a business shall be determined by the director of public works, using the following procedures:

- (i) During one or more weekly periods selected by the director of public works, the cubic yards of Solid Waste generated by a business or businesses shall be measured and recorded.
 - (ii) Each container of the entire system will be considered separately as to volume and pickups required.
 - (iii) The weekly cubic yard total for each separate container in use shall then be divided by its individual cubic yard capacity to determine the minimum pickups for each container, with any fraction remaining constituting an additional pickup.
 - (iv) When more than one container is required by a business or businesses, the individual charge for each container shall be added to comprise the final charge.
- (8) **Container overflow.** Should a container or containers in use by a business or businesses become overflowed twice in any given month because of excessive quantities being generated by the user, a charge for an additional pickup shall be imposed by the director of public works, on the user or users of such container.
- (9) **Limit on the size of dumpsters.** Any container hereafter added into the collection system shall not exceed an eight-cubic yard capacity.
- (10) **Weight limit of dumpsters.** Limits on the weight of a dumpster served by the City, when filled, shall not exceed three thousand (3,000) pounds gross weight.
- (11) **Responsibility for repair of dumpsters.** The responsibility for general repairs of dumpsters served by the City is as set forth below:
- (i) The streets and sanitation department

shall repair and maintain the following items on dumpsters which are presently in the collection system and on such additional containers that are added to the system that have been constructed in accordance with the specifications in current use (if damaged by City equipment):

- (A) Container lifting sleeves.
- (B) Container lids or doors.
- (C) Casters.

(ii) All other repairs, preservation and repainting of the dumpster shall be at the expense of the owners or users of these containers.

(12) **Purchasing and furnishing of commercial containers and provisions for monthly repayment.** The director of public works shall be authorized upon request of commercial customers to purchase and provide to commercial customer commercial dumpsters. The cost of said containers shall be reimbursed the City on a monthly basis with payments for a total of sixty (60) months and interest at the rate of eight (8) per cent per annum.

(13) **Special handling charge.** For slaughterhouses, chemical businesses, fish houses, or any other commercial or residential establishments which require special handling of Solid Waste generated by such establishments, the rate shall be computed by the director of public works on the actual cost of handling. The fee shall include collecting, transporting, disposal and all associated overhead costs in each individual case, provided that the sanitation fee imposed and collected with respect to any such place of business shall not be less than the minimum commercial fee, and in respect to any residence shall not be less than the minimum residential fee.

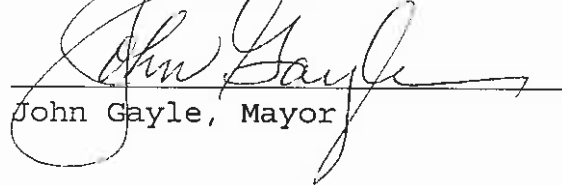
Sec. 4-2009. Penalties.

Any person who violates any of the provisions of this Chapter and is convicted therefore shall be fined in accordance with the aforementioned sections or as is allowable by the City Charter for each separate offense; each violation hereof shall be deemed a separate offense and each day's failure to comply herewith shall constitute a separate offense and shall be punishable as such.

(Ord. of 7-23-75, § 9; Ord. No. 78-13, 5-9-78; Ord. No. 78-29, 10-4-78; Ord. No. 79-32, 7-11-79; Ord. No. 81-42, 8-6-81; Ord. No. 82-46, 9-23-82; Ord. No. 83-35, 10-6-83; Ord. No. 85-29, 7-8-85"; Ord. No. 87-47, 7-9-87; Ord. No. 88-50, 10-6-88; Ord. No. 89-25, 7-6-89; Ord. No. 90-39, 7-2-90; Ord. No. 90-58, 12-6-90; Ord. No. 91-24, 7-1-91. Ord. No. 92-16, 4-23-92; Ord. No. 93-39, 9-9-93; Ord. No. 95-38, 9-11-95; Ord. No. 2006-2, 1-19-2006; Ord. No. 2006-23, 4-20-06; Ord. No. 2006-49, 8-24-06; Ord. No. 2010-10, 2-25-10)

SO ORDAINED, this 5th day of December, 2013.

CITY OF VALDOSTA


John Gayle, Mayor

Attest:



Teresa S. Bolden, City Clerk