

Ordinance Number ORD-2020-38

## AN ORDINANCE

To enact Article IV, Chapter 70 of the Code of the City of Douglasville to regulate scrap tire disposal; to repeal any conflicting ordinances; to provide an effective date; and other purposes.

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

### SECTION ONE

Article IV, Chapter 70 of the Code of the City of Douglasville is enacted to read as shown in Exhibit A attached.

### SECTION TWO

This ordinance shall become effective on the date after its enactment.

### SECTION THREE

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Ordained this the 17<sup>th</sup> day of August, 2020.

  
Rochelle Robinson, Mayor

  
Terry Miller, Mayor Pro Tem


  
Mark Adams, Councilmember

  
Dr. LaShun B. Danley, Councilmember

  
Sam Davis, Councilmember

  
Howard M. Estes, Councilmember

  
Nycole N. Miller, Councilmember

  
Chris "Coach" Watts, Councilmember

Attest:  
  
Vicki L. Acker, City Clerk

## Exhibit A

### ARTICLE V. - SCRAP TIRE DISPOSAL

#### Sec. 70-151. - Intent and purpose.

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

#### Sec. 70-152. - Definitions.

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

*Dump* means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.

*End user* means the last person who uses the scrap tires, chips, crumb rubber, or similar materials to make a product with economic value, or in the case of energy recovery, the person who utilizes the heat content or other forms of energy from the incineration or pyrolysis of waste tires, chips or similar materials.

*Environmental code enforcement officer* means an officer of the city authorized by this Code to write official warnings and citations to ensure compliance with this article and the solid waste code. This definition shall include police officers and code compliance officers.

*Manifest* means a document used to identify the quantity and composition and the origin, routing, and destination of scrap tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer approved by the state department of natural resources, environmental protection division, hereinafter referred to as EPD.

*Mixed tires* means a heterogeneous group of tires consisting of used, retreadable casings and scrap tires.

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

*Retreadable casing* means a tire suitable for retreading.

*Reused tire* means a tire used for purposes, approved by the EPD, other than intended, such as playground equipment, offshore reefs, and erosion control.

*Scrap tire* means a tire that is no longer suitable for its originally intended purpose because of wear, damage, or defect.

*Scrap tire carrier* means any person engaged in picking up or transporting scrap tires, not otherwise exempted, for the purpose of removal to a scrap tire processor, end use, or disposal facility.

*Scrap tire generator* means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages and service stations.

*Scrap tire processing* means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires and includes all aspects of its management (administration, personnel, land, equipment, building, and other elements) and includes processing by: shredding, chopping, chipping, baling, splitting, recycling or sorting of scrap tires.

*Scrap tire processor* means any person who is approved by the EPD to receive tires from scrap tire generators, scrap tire carriers or the general public for the purpose of scrap tire processing.

*Scrap tire sorter* means any person, other than the original scrap tire generators, who handles mixed tires by separating used tires and retreadable casing from scrap tires.

*Solid waste* means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation materials; solid or dissolved matters in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended and as defined by O.C.G.A. § 12-8-22(33).

*Tire* means a continuous, solid or pneumatic covering designed for encircling the wheel of a vehicle that is not permanently attached to the vehicle or a part of the vehicle as original equipment.

*Tire handling business* means any person that derives 15 percent or more of its gross income from the sale, processing, transporting or disposal of tires.

*Tire retailer* means any person engaged in the business of selling new replacement tires.

*Tire retreader* means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.

*Ultimate consumer* means the last person who receives and uses a new replacement tire. Ultimate consumers may be, but are not limited to: individual, leasing and private companies purchasing tires from retail dealers for their vehicle fleets and government agencies.

*Used tire* means a tire which has a minimum of 2/32 foot of road tread and which is still suitable for its original purpose. It must be inventoried and marketed in substantially the same fashion as a new tire, and the dealer must be able to provide satisfactory evidence to the county that a market exists, and that the used tires are in fact being marketed.

#### Sec. 70-153. - Dumping of scrap tires.

It shall be unlawful to dump scrap tires or cause, suffer or allow the dumping of scrap tires at any place in the city including the following:

- (1) Any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping; and
- (2) Any river, canal, stream, creek, or fresh water lake; and
- (3) Any public property or private property not owned or maintained by the alleged violator.

#### Sec. 70-154. - Scrap tire storage, handling, and disposal.

- (a) The provisions of O.C.G.A. § 12-8-20 et seq., as amended, are hereby incorporated in this section as if fully set forth herein.
- (b) It shall be the responsibility of the owner or occupant of property to store all scrap tires in a manner that will not adversely affect the public health and safety.
- (c) It shall be the responsibility of the owner or occupant of property to store all scrap tires in a manner that is consistent with federal, state and local law.

Sec. 22-79. - Accumulation.

- (a) No person may store more than 100 scrap tires anywhere in the city. Any person storing in excess of 100 scrap tires shall be deemed to be in violation of this part. The following exceptions shall apply:
  - (1) A solid waste disposal site permitted by the division if permitted by the EPD if the permit authorizes the storage of scrap tires prior to their disposal;
  - (2) A tire retailer with not more than 3,000 scrap tires in storage;
  - (3) A tire retreader with not more than 1,500 scrap tires in storage so long as the scrap tires are of the type that the retreader is actively retreading;
  - (4) An auto salvage yard with not more than 500 scrap tires in storage; and
  - (5) A scrap tire processor approved by the division so long as the number of scrap tires in storage do not exceed the quantity approved by the EPD.
- (b) It shall be unlawful for any person to store scrap tires except in a container, located outside of an authorized business, enclosed on all four sides by a solid screen and having a secure top cover to prevent the accumulation of water in the container.

Sec. 70-155. - Compliance.

- (a) *Scrap tire generator.* Any person who generates scrap tires shall obtain a scrap tire generator identification number issued by EPD and shall maintain copies of manifests for any scrap tires that have been shipped or removed from the business location within the past 36 months. Separate identification numbers are required for each generator having multiple generation locations.
  - (1) The manifests shall include the following information:
    - a. Name and identification number of the generator;
    - b. Number and total tonnage (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;
    - e. Destination of scrap tires; and
    - f. Signatures of the scrap tire generator, scrap tire carrier and scrap tire processor.
  - (2) The completed manifest and the scrap tire generator identification number shall be made available to the environmental code enforcement officer upon request.
  - (3) Scrap tire generator identification numbers are not transferable; and each generator shall ensure that the scrap tire section of the EPD approves the carrier being used to transport scrap tires.
- (b) *Scrap tire carrier.* It shall be the responsibility of the carrier to return a completed copy of the manifest to the scrap tire generator within 30 days from the date on which the scrap tire carrier takes possession of the scrap tires. The date the scrap tire carrier takes possession of the scrap tires shall be indicated on the manifest.
- (c) *Tire handling businesses.* All tire handling businesses shall maintain an accurate inventory of all new and used tires received at the place of business, sold to a consumer, sent to another tire handling businesses, or shipped to an approved processor. Inventory and quarterly transport reports shall be kept on site and made available for inspection by environmental code enforcement officers.

Quarterly reports shall be sent to the city director of public works and shall include the following information:

- (1) Name of company that transported tires;
- (2) Name of owner of company and driver of transport vehicle;
- (3) Telephone number of transport company;
- (4) Valid environmental protection division scrap tire program transportation identification number;  
and
- (5) Type of vehicle used to transport tires.

Sec. 70-156 - Enforcement.

- (a) Enforcement of this article shall be the responsibility of the city community development director or his designee.
- (b) The environmental code enforcement officers are authorized to enforce this article on behalf of the city, and shall be empowered to enter private property, with the owner's consent, at reasonable times in order to inspect the property for violation of this article. If the owner does not consent to such entry on private property for inspection, such officer shall obtain a warrant to enter upon the property.