

**AN ORDINANCE TO AMEND CHAPTER 17, SOLID WASTE, OF THE CODE OF
ORDINANCES OF THE CITY OF NEWNAN BY ADOPTING AMENDMENTS
REGULATING THE COLLECTION OF SOLID WASTE FROM COMMERCIAL,
OFFICE/INSTITUTIONAL, AND RESIDENTIAL UNITS WITHIN THE CITY OF
NEWNAN; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan previously adopted Ordinance No. 2003-28, as amended, establishing comprehensive regulations governing the collection of solid waste within the City of Newnan; and

WHEREAS, said ordinance has been amended on several occasions to meet changes in state law and to meet the demands of a growing community and citizenry; and

WHEREAS, it is the desire of the City Council to address additional problems that now exist with the collection of solid waste from commercial, office/institutional, industrial and residential units within certain residential areas of the City and to conform the City's collection services in the City's Central Business District as depicted on the Official Zoning map of the City of Newnan, by adopting revisions to Chapter 17, Solid Waste, of the City's Code of Ordinances; and

WHEREAS, the City staff held public hearings in which property owners, and residents of the various residential districts offered comments, suggestions and support for the City's proposed plan to change the City's method of billing and to change the City's collection of solid waste by the City in the City's Central Business District and by the City's designated private collection hauler in the various residential district and to establish fees; and

WHEREAS, the City Council desires to adopt amendments to the City's Solid Waste Ordinance to change the method of billing for the collection of solid waste in the City's residential districts and to conform the City's program of collection of solid waste in the City's Central Business District as set forth herein in the interest of protecting the environment and sanitation of the City's residential districts and the City's Central Business District; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the citizens, residents and property owners of the City of Newnan to adopt amendments to the City's Solid Waste Ordinance as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan and it is hereby ordained by the authority of same that Chapter 17, Solid Waste, of the Code of Ordinances of the City of Newnan be and is hereby deleted in its entirety and a new Chapter 17, Solid Waste is adopted, to read as follows:

SECTION I: It is hereby ordained by the authority of same that Chapter 17, Solid Waste, of the Code of Ordinances of the City of Newnan be and is hereby adopted to read as follows:

Chapter 17 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 17-1. Definitions.

As used in this chapter, the words below shall have the following meanings:

Ashes means residue from fires used for cooking and for heating buildings.

Bulk items means appliances, furniture, construction and demolition debris (produced by the resident but not by contractor), and other refuse with weights or volumes greater than those allowed for in carts, but excluding garbage, dead animals, cardboard and hazardous waste including, but not limited to, tires, motor oil, batteries, etc.

Cart means the wheeled container or receptacle designated for depositing refuse or recyclable materials.

City contractor means any corporation, partnership, individual, sole proprietorship, Joint Stock Company, joint venture, local government, solid waste authority or any other private or public legal entity that has entered into an agreement to provide residential refuse and recycling services to the city.

Commercial and industrial establishment means all premises, locations or entities within the service area, public or private, other than a residential unit, requiring refuse collection for which refuse collection using carts or dumpsters is deemed to be appropriate.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial solid waste.

Construction debris means materials produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction debris includes, but is not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction debris.

Construction site means any residential, commercial, industrial, or other area, lot, or site which construction or demolition of any type is conducted including roads and buildings, and at all other places actively being constructed, demolished, renovated, or repaired.

Container means the receptacle designated or used for depositing of garbage, refuse, trash, rubbish, ashes or recyclable materials as specified by the city and includes but is not limited to carts, dumpsters, and bins.

Dead animals means animals or any portions thereof, weighing ten pounds or more, which have expired from any cause.

Discard means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material means a material that is abandoned, disposed of, burned, incinerated, accumulated, stored or treated before or instead of being abandoned, disposed of, burned or incinerated.

Dispose means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

Disposal facility means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfills and solid waste thermal treatment technology facilities.

Dumpster means a receptacle designed to be lifted and emptied mechanically for use primarily at commercial and industrial establishments and multi-family residential structures.

Garbage means every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including, but not limited to, used metal cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except any matter included in the definition of bulk items, construction debris, dead animals, hazardous waste, rubbish, or yard trimmings.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated as "hazardous" by the United States Environmental Protection Agency, the state environmental protection division or the appropriate state, county or city agency by or pursuant to federal or state law. For purposes of this agreement, the term hazardous waste shall also include tires, batteries, paint thinner, motor oil, gasoline, paint or paint cans (excluding empty paint cans or paint cans filled with absorbents to dry out the paint) and bulk items containing chlorofluorocarbon refrigerants or freon.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, 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 which are not "waste" as such term is defined O.C.G.A. § 16-7-51, paragraph 6.

Multi-family structure means any building containing more than four residential dwelling units where the residential units do not receive separate or individual solid waste collection service.

Municipal solid waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks, and includes solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility means any facility or location where the final deposition of municipal solid waste occurs, including but not limited to municipal solid waste landfills.

Municipal solid waste landfill means a disposal facility where municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Nuisance means any use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises is located. This includes but is not limited to the keeping of the following: ashes, rubbish, garbage, lumber, bricks, cinder blocks, insulation materials, building debris, refuse, litter, or waste of any kind whether liquid or solid.

Person means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.

Program recyclables means recyclable materials designated by the city to be sorted by the generator and collected separately from refuse for diversion from a disposal site and conveyed to one or more recycling facilities.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for recyclable material or solid waste.

Recyclable material means material that is capable of being reused or returned to use in the form of a raw material. Recyclable materials do not include hazardous waste or items contaminated with food waste.

Recycling means any process by which materials which otherwise would become refuse are collected, separated, or processed and reused or returned to use in the form of raw materials or products. This specifically excludes depositing recyclables into a landfill or incinerator.

Recycling cart means a cart suitable for on-site collection of recyclables.

Recycling facility means a facility engaged solely in the storage, processing, recycling, and resale or reuse of recovered materials.

Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Residential refuse means all garbage and rubbish generated by a resident at a residential unit, in all cases to exclude hazardous waste.

Residential unit means:

- (1) A free-standing structure constructed for use as a residence by a person or group of persons comprising a family; or
- (2) A multi-family structure of four or fewer units for which refuse collection using carts is deemed to be appropriate.

A residential unit shall be deemed occupied when water, wastewater or domestic utility services are being supplied thereto.

Rubbish means all used and discarded printed matter, paper, pasteboard, rags, straw, mattresses, clothing, shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping for crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulk items, construction debris, dead animals, garbage, hazardous waste or yard trimmings.

Sanitary waste or domestic waste or domestic sewerage means water borne, human or animal excreta or body wastes and normal culinary, laundry, and washing wastes.

Service area means the entire geographic area within the corporate limits of the city.

Solid waste means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facilities; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from 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 handling facility means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Transfer station means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Yard trimmings means decomposable waste materials generated by residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard trimmings shall not include roots, logs, limbs or stumps that exceed eight (8) inches in diameter nor do yard trimmings include any materials resulting from land clearing or development activities.

Sec. 17-2. Public works director—General duties.

The public works director shall discharge the duties imposed upon him in this chapter.

Sec. 17-3. Scope of provisions.

The provisions of this article shall apply to all public and private markets, as well as all residential units and commercial and industrial establishments.

Sec. 17-4. Administrative regulation.

The financial director shall not issue a business license or occupational tax certificate to any person, firm, or corporation which has not complied with the requirements of this chapter. The violation, noncompliance, or other violation of an administrative order issued by the public works director or the city's code enforcement officer, under this chapter, will be grounds for suspension or revocation of occupation tax certificates pursuant to article I of chapter 6.

Sec. 17-5. Uncovered refuse.

It shall be unlawful to place or permit to remain anywhere in the city any garbage, dust, ashes, rubbish, or refuse or other material subject to decay, other than yard trimmings, excepting in a tightly covered container.

Sec. 17-6. Wind-blown refuse.

It shall be unlawful to cause or permit to accumulate any garbage, dust, ashes, rubbish, or refuse of such a material capable of being blown away by the wind anywhere in the city, other than yard trimmings except in a covered container.

Sec. 17-7. Depositing refuse on the street.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, dust, ashes, rubbish, or refuse on any public street, parking area, or alley in the city; provided, that this section shall not be construed to prohibit temporarily placing garbage, dust, ashes, rubbish, or refuse, or recyclable materials in a container at an approved collection point complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

Sec. 17-8. Collection of refuse.

Refuse shall be collected from all premises at least once each week, provided that the material is properly stored for collection in a container complying with the provisions of this article.

Sec. 17-9. Containers—Generally.

- (a) All refuse shall be placed in closed containers except at designated times in the amounts and condition as approved by the city council.
- (b) Containers shall be kept tightly covered at all times except when momentarily open to receive refuse or to have the contents removed. No container shall be so overloaded with refuse that its cover will not fit securely.

Sec. 17-10. Same—In commercial and multi-family structures.

- (a) Any apartment house, condominium development or town house development constructed after November 20, 1978, any residential structure, hotel, motel, or rooming house containing more than four units, and any business, industry, public or semiprivate establishment of any nature or kind shall provide adequate container(s) to receive and store all refuse generated at that location until scheduled collection.
- (b) The preparation and storage of commercial and multi-family structure refuse for collection shall be as follows:
 - (1) The occupant or occupants of commercial establishments and the management of multi-family structures serviced by commercial containers shall be responsible for maintaining the area surrounding such commercial containers clean and free of accumulations of refuse. Where the occupants of two or more commercial establishments share the use of a refuse cart or commercial containers, it shall be the joint responsibility of the users to maintain the area surrounding such carts or containers clean and free of accumulations of refuse.
 - (2) All refuse shall be free from liquid and placed in watertight paper or plastic bags with the tops secured prior to placing in commercial containers.
 - (3) The user of commercial containers shall be responsible for the appearance, maintenance and serviceability of containers procured by them or placed for their use.

Sec. 17-11. Refuse fees; invoices; penalties for late payment.

- (a) Fees for the collection of refuse collected by the city or the city contractor shall be set by the city and approved by the city council. The charges may be altered from time to time. A refuse collection fee schedule shall be on file in the office of the city clerk.

- (b) Refuse collection fees shall be billed to the property owner on a quarterly basis, and if such bill is not paid on the first day of the month following, a penalty may be added. Such penalties shall not preclude the city from taking whatever action it deems necessary to enforce payment of the refuse collection fees including to discontinue service.
- (c) The city may place a lien against the property for past due and outstanding refuse collection fees and associated penalties, and for the cost of preparing and filing the lien, including legal expenses incurred. The finance director is hereby authorized to immediately issue an execution against the owner of such property for the total cost of the unpaid fees as set out above which execution shall constitute a lien against such real estate as of the date of the fifa and which execution shall thereafter be enforced and collected in the same manner as an execution or fifa for unpaid taxes for the city. Such execution shall rank in dignity second only to taxes of the city.
- (d) Persons, firms, individuals, corporations, or associations of individuals who have their collection service discontinued shall be in violation of this chapter and shall be subject to the penalties set forth in section 17-12 herein.

Sec. 17-12. Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to prosecution in the City's Municipal Court and the penalties set forth in section 1-14 of the Code of Ordinances for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs. (Ord. No. 03-28,

Secs. 17-13—17-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 17-31. Supervision by city.

The public works director and/or city's code enforcement officer shall be empowered to inspect the manner in which all garbage, dust, ashes, rubbish, refuse or recyclable materials within the city are accumulated or disposed for compliance with this chapter. The public works director and/or city's code enforcement officer is empowered to order the discontinuance of actions in violation of this chapter or take any other action authorized to ensure compliance with or to prevent violation of this chapter.

Sec. 17-32. Pickup hours regulated.

It shall be unlawful for any commercial garbage service to pick up carts, dumpsters, or other such containers between the hours of 9:00 p.m. and 6:00 a.m., except in the case of a bona fide emergency, as determined by the public works director or his/her designee.

Sec. 17-33. Owner and operator of premises to maintain dumpster site.

The property owner and/or the person in charge of the premises for which a dumpster is permitted shall, at all times, maintain the premises free and clear of litter, debris, and trash.

Sec. 17-34. Refuse and recyclable material collection.

All residents of the city shall participate in the refuse collection and may participate in recyclable material collection provided by the city. All property owners shall pay the fees charged by the city for this service as approved by the city council.

Sec. 17-35. Uncovered solid waste.

It shall be unlawful to place or permit to remain anywhere in the city any solid waste, or other material subject to decay, other than leaves or grass, except in a tightly covered cart or dumpster except on designated dates in the amounts and condition as approved by the city council.

Sec. 17-36. Consent of owner.

It shall be unlawful to dump or place any solid waste on any premises in the city without the consent of the owner of such premises.

Sec. 17-37. Disposal.

It shall be unlawful to dispose of any solid waste anywhere in the city except in an incinerator, or disposal device, properly constructed and operated, or in a lawfully established municipal solid waste disposal facility. Such materials not so properly disposed of shall be placed in carts or dumpsters for collection by a licensed collector as hereinafter described.

Sec. 17-38. Accumulation of material treated as disposed.

Where a party claims the accumulation of solid waste is not "disposal" within the section 17-37 meaning, the allowance of the accumulation for a period of more than seven days without removal will presumptively cause the accumulation to come within the meaning of section 17-37.

Sec. 17-39. Screening of dumpsters.

Property owners and tenants using dumpsters for deposit and storage of refuse shall screen any portion of a dumpster which is visible to an average person from a public street, parking lot, or residential building, which is within 300 feet of such dumpster or as provided in the city's zoning ordinance or development regulations, whichever is less. Said screening shall be constructed of building or fencing materials or shrubs, or evergreen trees that are of sufficient opacity to conceal the dumpster from view and such screening plan must be approved in writing by the public works director or his/her designee. Individual lots zoned under industrial classifications are exempt from the screening requirements, if the properties on each side and in front or across the street from the front of said lots are also zoned under industrial classifications.

Sec. 17-40. Placement of dumpsters on concrete pads.

Dumpsters shall be placed on concrete pads of appropriate size and construction and in accordance with county health department requirements. Adequate drainage shall be provided in and around the pad areas on which dumpsters are placed.

Sec. 17-41. Certain matters not to be placed in containers.

Dead animals, feces, explosives, dangerous and corrosive materials, clothing taken from persons with infectious diseases, heavy metals, bulk items or any hazardous waste shall not be placed in any receptacle, cart or dumpster or other container provided for the deposit of refuse or recyclable materials. Produce, meats, poultry, and food preparation oils shall be placed in sealed bags prior to being placed in any municipal solid waste receptacle, cart or dumpster in such a manner as to minimize noxious or offensive odor emanating therefrom.

Sec. 17-42. Doors and lids to be kept closed.

Except when refuse or recyclable materials are being loaded into carts or dumpsters, or pickup of the same is being affected, all doors for screening, doors or lids of carts or dumpsters shall be kept closed.

Sec. 17-43. Scavenging.

No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste, or remove or take any of the contents thereof, or remove any container from the location where the container has been placed by the owner thereof.

Sec. 17-44. Maintenance of carts.

The city shall provide one cart for to each residential unit and provide additional carts upon request of the property owner for an additional fee. The city shall replace (or at its option, repair) carts, which require replacement or repair as a result of normal wear and tear, and not as a result of misuse by the resident. If the cart is deemed destroyed by the resident, or is determined by the city to be lost or stolen, then the city will replacement the cart and apply a fee on the next quarterly solid waste bill to the property owner. The fee to replace a cart destroyed by the residents or lost or stolen will be in an amount approved by the city council. An updated record of such fees will be kept on file in the office of the city clerk.

Sec. 17-45. Placement of carts.

All moveable carts provided to residents shall be placed at the curbside location for pick-up not earlier than 7:00 p.m. prior to the scheduled collection date and shall be removed from such location within 24 hours of the collection date. No person shall leave the cart at the location for pick-up in excess of the time periods set forth herein; provided, however, that no person shall be cited for violating this section in the event that the regular collection schedule is interrupted. Carts shall not be placed in such a manner so as to block or obstruct mail receptacles, water meters or fire hydrants.

Secs. 17-46—17-47. Reserved.

Sec. 17-48. Penalty.

Any person in violation of this chapter, upon conviction, shall be subject to prosecution in the City's Municipal Court and subject to the penalties set forth in section 1-14 of the Code of Ordinances for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs.

Sec. 17-49. Applicability.

Any owner, lessee, tenant, occupant, or person in charge of a property or premises on which a violation has been found who has violated or procured, aided or abetted any violation of any of the provisions of the code, shall be subject to the same penalties set out in Section 17-48 as if he himself had committed such violation. Owners of property on which a violation has been found are liable for said violation.

Secs. 17-50—17-55. Reserved.

ARTICLE III. SANITATION AND COLLECTION

Sec. 17-56. Collection by city contractor.

All residential refuse accumulated in the city shall be collected, conveyed and disposed by the city or the city contractor under the supervision of the public works director. The public works director or his/her designee shall have the authority to make regulations concerning the administration of this chapter as he/she finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

Sec. 17-57. Residential services; general conditions of residential collection.

- (a) The city or its authorized agent shall provide minimum once weekly curb service collection of residential refuse at residential units except as otherwise set out herein.
- (b) The city or its authorized agent for residential refuse collection and removal shall provide collection of refuse for disabled persons, as defined in section 17-59 and as directed in that section.
- (c) Property owners or occupants of residential units shall place residential refuse in the carts and the carts shall be placed, on assigned collection days, at front curbside locations in such manner as not to obstruct passage. Property owners or occupants shall place the carts at appropriate curbside locations at or before 6:00 a.m. or prior to the arrival of the collection vehicles, but no earlier than 7:00 p.m. before scheduled collection day. Any refuse placed on the curb after departure of the pickup crew of the city or its authorized agent shall subject the property owner or occupants to prosecution for violation of this chapter should the street become littered from residential refuse.
- (d) Property owners or occupants shall remove the carts from curbside location to storage location, which storage location shall be nearer to the residential unit located on the premises than to any street abutting the premises; removal of the

cart should be accomplished within 24 hours following collection on the date the contents are emptied and collected.

- (e) Property owners or occupants shall prevent the continued, excessive and unsightly accumulation of residential refuse upon their property or the public thoroughfares bounding upon owner's property.
- (f) It shall be a violation of this chapter to place or cause to be placed for collection any hazardous waste, any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.
- (g) Residential refuse generated from the conduct of customary home occupations carried on from residential units will be collected on a residential fee basis.
- (h) All residential refuse will be collected by the city or its authorized agent if placed in the cart. No open containers shall be permitted except on designated dates in the amounts and condition as approved by the city council.
- (i) Property owners or occupants of a residential unit shall be responsible for the proper disposition of any dead animals.
- (j) During any week in which there is an observed holiday or extremely harsh weather conditions, such as snow or ice, the city contractor may collect refuse in accordance with an altered collection schedule as needed.
- (k) The city at all times reserves the right to direct and control all relevant aspects of the time, place and manner of residential refuse service. Nothing in this chapter is intended to abridge the city's right to ownership and control of the refuse set out in containers provided by the city or the city contractor.

Sec. 17-58. Reserved.

Sec. 17-59. Disabled.

- (a) Any person who is a full-time resident of a residential unit and who is disabled to the extent that he or she is incapable of moving his/her residential refuse shall obtain a physician's certificate which states with particularity the nature and extent of such disability. Disabled persons shall not be required to place the refuse at curbside. This subsection shall not apply unless all of the adult persons in a residential unit are disabled and obtain such physician's certificate. Certificates will be mailed to the city contractor with a copy to the public works director. This subsection also applies to temporary disability not to exceed 90 days. The city's contractor may make reasonable rules for noncurbside collection for disabled persons; all refuse must be bagged.
- (b) The city contractor or its authorized agent shall provide recycling services to disabled persons to the same extent such services may be provided under section 17-61.

Sec. 17-60. Commercial collection.

- (a) The owner of any commercial establishment shall be responsible for the collection and transportation of all refuse accumulated at such establishment to a solid waste handling facility operating in compliance with state regulation. No business

license or renewal thereof shall be issued until the owner or occupant of such premises has demonstrated compliance with this Section.

- (b) All commercial establishments or other entities producing hazardous waste or special waste shall be responsible for the disposal of and provide for the disposal of the hazardous waste or special waste in accordance with all federal and state laws and regulations.
- (c) Owners of commercial establishments shall be responsible for maintaining the area surrounding dumpsters clean and free of accumulation of refuse.

Sec. 17-61. Recycling program.

- (a) Property owners or occupants of all residential units may participate in the city's recycling program.
- (b) The city or its authorized agent shall collect program recyclables at least once every week, pursuant to a city-provided list of guidelines.
- (c) The city may change the type and number of recyclable materials as market conditions evolve.
- (d) The city may provide one cart to each residential unit in which the residents may deposit program recyclables. The city may provide carts to multi-family structures to be placed in a common location where all residents of the condominium or multi-family structures may deposit their program recyclables. The city may provide other appropriate recycling containers to customers as the need arises.
- (e) Recyclable materials, which are placed in designated recycling carts for regular curbside collection, shall become the property of the city or its authorized agent.
- (f) Property owners or occupants of residential units shall place the program recyclables in the cart provided for this purpose and place the cart, on assigned collection days, at curbside locations in such manner as not to obstruct passage. Property owners or occupants shall place the carts at appropriate curbside location at or before 6:00 a.m. on the scheduled day of collection but no sooner than 7:00 p.m. prior to the day of collection. Any recyclable materials placed on the curb after departure of the collection crew of the city or its authorized agent shall subject the property owner to prosecution for violation of this ordinance should the street become littered from such recyclable materials.
- (g) Property owners or occupants of residential units shall remove carts from curbside location to a storage location, which storage location shall be nearer to the residential unit located on the premises than to any street abutting the premises; removal of the bin should be accomplished within 24 hours following collection on the day the contents are emptied and collected.
- (h) During the 24-hour period commencing at 7:00 p.m. on any day preceding a day designated by the city for collection of recyclable materials, no person other than any authorized employee or agent of the city shall remove recyclable materials from the designated recycling container which has been properly placed for collection. Each collection in violation of this section during that period shall constitute a violation of this chapter and shall be punishable as provided in section 17-45.

- (i) Nothing herein shall be construed to limit the right of any individual, organization or other entity to donate any recyclable materials for disposal, if such disposal does not violate any applicable statute, regulation or chapter.
- (j) Participation in this recycling program shall be voluntary.

Sec. 17-62. Accumulation.

- (a) No property owner or occupant shall allow the accumulation on his or her premises of solid waste where such solid waste creates or may create a health hazard to neighbors or other citizens, or is unsightly, or emits foul or obnoxious odors which constitute either a public or private nuisance. Such conduct shall constitute a violation of this chapter for each day the solid waste remains on the premises and chapter for each day the solid waste remains on the premises and shall be punishable as set forth in section 17-48.
- (b) Any property owner or occupant failing to comply with the requirements of this section may be prosecuted by the city in accordance with this chapter and upon conviction shall be subject to the penalties set forth in section 17-45.

Sec. 17-63. Penalty.

Any person in violation of this chapter, upon conviction, shall be subject to prosecution in the City's Municipal Court and subject to the penalties set forth in section 1-14 of the Code of Ordinances for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs.

Sec. 17-64. Applicability.

Any owner, lessee, tenant, occupant, or person in charge of a property or premises on which a violation has been found who has violated or procured, aided or abetted any violation of any of the provisions of the code, shall be subject to the same penalties set out in Section 17-63 as if he himself had committed such violation. Owners of property on which a violation has been found are liable for said violation.

Secs. 17-65—17-69. Reserved.

ARTICLE IV. BULK ITEMS

Sec. 17-70 Bulk item collection practices.

The city or its authorized agent shall collect bulk items, as defined in this chapter, from each residential unit up to one time per week.

Sec. 17-71. Acceptable bulk items.

- (a) Each residential unit may set out up to two (2) cubic yards of bulk items at the curb each week for collection.

- (b) Bulk items set out for collection must be physically separated from other forms of refuse, including residential refuse and yard trimmings placed curbside for collection.
- (c) Rocks, dirt, concrete blocks, bricks or cardboard are not considered bulk items and shall not be collected by the city.
- (d) Household furniture and personal belongings of an evicted tenant, lessee or occupant shall not be placed on city property or right-of-way and will not be collected by the city.
- (e) The city shall not 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, including, but not limited to remodeling, new construction, demolition, roofing, and trimming and removal of trees.
- (f) Appliances once containing refrigerant must have a tag attached to them certifying a qualified technician has removed the refrigerant prior to being collected by the city as a bulk item.
- (g) If authorized items placed for collection are mixed with restricted items, the city shall not be obligated to sort the materials and may refuse the entire load.
- (h) The public works director or his/her designee may determine the items eligible for pickup under the city's program for collection of bulk items.
- (i) Uncontrolled and/or uncontained bulk items shall be considered as litter, and the generator shall thereof be subject to the enforcement actions outlined in section 17-83.
- (j) The city retains the options of collecting yard trimmings that are placed at the curbside and do not adhere to the requirements in this Section and to charge an additional fee to owners of residential units for providing this service as set out in the City's fee schedule.

Sec. 17-72 Placement.

- (a) Bulk items must be placed on public right-of-way, immediately adjacent to the property from which the bulk item originated, easily accessible to the collection vehicle, no later than 6:00 a.m. on the scheduled collection day and no earlier than 7:00 p.m. on the day before the scheduled collection day;
- (b) Bulk waste shall not be placed on vacant lots, parks, across the street from the property on which the trash originate or on another person's property;
- (c) Bulk items shall not be stacked under low overhead electrical wires or other cabling or low-hanging tree limbs; adjacent to guy wires, power poles, signposts, mailboxes, fire hydrants, fences or posts; or on top of water meters, gas meters, or other exposed utility components;

- (d) Bulk items shall 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 or obstruct gutters or drains.

Sec. 17-73. Penalty

It shall be unlawful for any person to place bulk items on the city property or right of way for removal by city personnel which are not prepared and placed as required by this ordinance.

- (a) It shall be the duty of the public works director or his/her designee to notify the property owner in writing, to remove all bulk item not prepared and placed as required by this section, at the property owner's expense, or to prepare and place them in accordance with this article.
- (b) Upon failure of the property owner to remove or prepare and place such bulk item or items in accordance with this article, the property owner shall be subject to citations and summons to appear in the city's Municipal Court and at the discretion of the public works director or his/her designee, the city may remove the bulk item or items in accordance with Section 17-71 (j).
- (c) Any person in violation of this chapter, upon conviction in the city's Municipal Court, shall be subject to prosecution and subject to the penalties set forth in section 1-14 of the Code of Ordinances for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs.

Secs. Secs. 17-74—17-75. Reserved.

ARTICLE V. YARD TRIMMINGS

Sec. 17-76 - Yard trimmings collection practices.

The city or its authorized agent shall collect yard trimmings, as defined in this chapter, from each residential unit.

Sec. 17-77. - Acceptable materials and set-out requirements.

- (a) Yard trimmings set out by residential units for collection by the city must be physically separated from other forms of refuse, including residential refuse and bulk items placed curbside for collection.
- (b) Bagged leaves, pine straw, and grass clippings shall be placed in a separate pile from tree trimmings, hedge clippings, shrubbery clippings, limbs, brush, and similar materials.
- (c) Tree trimmings, hedge and shrubbery clippings, limbs, brush and similar materials shall be of a length and/or weight that is manageable by city collection personnel and/or equipment. No trees, logs, limbs or stumps shall exceed six (6) feet in length or eight (8) inches in diameter.

- (d) Tree trimmings, hedge clippings, shrubbery clippings, limbs, brush and similar materials shall be placed near the curbside in a neat stack that does not exceed eight (8) cubic yards, or twelve (12) feet by six (6) feet by three (3) feet.
- (e) No other trash, particularly solid objects, including but not limited to rocks, glass bottles, wood, pieces of wire, steel or concrete should be mixed with or concealed under yard trimming piles.
- (f) The city shall not 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 yard trimmings that may arise from the contractor's activities. These contractor-related activities include, but are not limited to trimming and removal of trees or shrubbery, leaf blowing or raking, and grass mowing.
- (g) Yard trimmings shall not be collected by the city for unimproved and/or vacant lots, or multifamily structures, or commercial establishments.
- (h) If authorized items placed for collection are mixed with restricted items, the city shall not be obligated to sort the materials and may refuse the entire load.
- (i) Uncontrolled and/or uncontained yard trimmings shall be considered as litter, and the generator shall thereof be subject to the enforcement actions outlined in section 17-83.
- (j) The city retains the options of collecting yard trimmings that are placed at the curbside and do not adhere to the requirements in this Section and to charge an additional fee to owners of residential units for providing this service as set out in the city's fee schedule.

Sec. 17-78. Placement.

- (a) Yard trimmings must be placed on public right-of-way, immediately adjacent to the property from which the yard trimmings originated, easily accessible to the collection vehicle;
- (b) Yard trimmings shall not be placed on vacant lots, parks, across the street from the property on which the yard trimmings originated or on another person's property;
- (c) Yard trimmings shall not be stacked under low overhead electrical wires or other cabling or low-hanging tree limbs; adjacent to guy wires, power poles, signposts, mailboxes, fire hydrants, fences or posts; or on top of water meters, gas meters, or other exposed utility components;
- (d) Yard trimmings shall 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 or obstruct gutters or drains.

Sec. 17-79. - Penalty.

It shall be unlawful for any person to place yard trimmings on city property or right of way for removal by city personnel which are not prepared and placed as required by this ordinance.

(a) It shall be the duty of the public works director or his/her designee to notify the property owner in writing, to remove all yard trimmings not prepared and placed as required by this section, at the property owner's expense, or to prepare and place them in accordance with this article.

(b) Upon failure of the property owner to remove or prepare and place such yard trimmings, the property owner shall be subject to citations and summons to appear in the city's Municipal Court and at the discretion of the public works director or his/her designee, the city may remove the yard trimmings in accordance with Section 17-77 (j).

(c) Any person in violation of this chapter, upon conviction in the City's Municipal Court, shall be subject to prosecution and subject to the penalties set forth in section 1-14 of the Code of Ordinances for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs.

Secs. 17-80. Reserved.

ARTICLE VI. LITTERING

Sec. 17-81. General provisions.

- (a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are:
- (1) Provide for uniform prohibition throughout the city of any and all littering on public or private property; and
 - (2) Prevent the desecration of the beauty and quality of life of the city and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (b) *Applicability.* This article shall apply at all public and private property within the city.
- (c) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, and or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

- (d) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

Sec. 17-82. Prohibition against littering public or private property or waters.

- (a) It shall be unlawful for any person or persons, firm, corporation or company, in person or by his or her agent, employee, or servant to cast, sweep, sift, deposit, accumulate, place, dump, throw or leave or to cause or permit the casting, sweeping, sifting, depositing, accumulating, dumping, placing, throwing or leaving of litter on any public or private property in the corporate limits of this city, or any waters in the corporate limits of this city, any drain, sewer or receiving basin within the corporate limits of this city unless:
- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a receptacle or container installed on such property; or
 - (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.
 - (4) The material is deposited under a permit authorized by any ordinance of the city or is deposited in or conducted into the city sewer system through lawful drains in accordance with the ordinances of the city relating thereto.
- (b) Notwithstanding anything else contained herein to the contrary, it shall be unlawful for any person, firm, or corporation, in person or by his agent, employee or servant, to dump or deposit garbage, waste or litter of any kind or nature, household or commercial, in any litter receptacle or container, public or private, the total weight of which, by volume, exceeds five pounds, which garbage, waste or litter, household or commercial, has been generated outside of the corporate limits of the city and which is brought into the corporate limits of the city; except that this section shall not apply to garbage, waste or litter, household or commercial, dumped or deposited into a properly licensed waste transfer station.

Sec. 17-83. Vehicle loads causing litter.

It shall be unlawful for any person, firm or corporation, in person or by his or her or its agent, employee, or servant, to use any vehicle to haul any kind of dirt, rubbish, waste, articles or things of substance whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the city.

Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping of the aforesaid.

Sec. 17-84. Construction sites.

- (a) *Litter prohibited.* It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter on such site outside of a proper receptacle or to cause, permit, or allow litter or 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 each contractor performing work on the site to keep the property free of litter.
- (b) *Receptacles required.* The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain workers' litter and receptacles sufficient to contain all construction debris. All receptacles shall be conveniently available and maintained and secured or covered so as to prevent litter and waste from being spilled, discharged, or blown by wind or water. The primary contractor should determine the number and capacity of receptacles, but no less than one receptacle for workers' litter and no less than one receptacle for construction debris shall be placed at each construction site. Receptacles required under this subsection shall be not less than ten gallons capacity. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction debris shall be serviced with sufficient frequency to prevent spillage from overflow and to prevent offensive odors. All receptacles required under this subsection shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.
- (c) *Exclusion.* The requirement for receptacles in this section shall not apply to any construction site on which only repair or renovation of a building is taking place, provided that no litter or construction debris is placed, stored, or otherwise accumulated on the exterior of the property outside of a proper receptacle and any such receptacle is maintained in accordance with this chapter.
- (d) *Portable toilets required.* The owner, agent or contractor in charge of a construction site shall furnish no less than one portable toilet facility on such site but in any event such number sufficient to service the sanitary waste needs for the site. It shall be unlawful for the owner, agent or contractor in charge of a construction site to cause, permit or allow such facility to spill or discharge on the site or into waters located on the site. It shall be the responsibility of the owner, agent or contractor in charge of a construction site to have such facility emptied, serviced and maintained on an "as needed" basis.
- (e) *Concrete truck washout.* It shall be unlawful for the owner, agent or contractor in charge of a construction site to permit and unlawful for the driver operator or other employee on a concrete truck to wash or discharge excess concrete from the chute, pump, drum or barrel of a concrete truck except in a temporary concrete washout area, as approved by the City of Newnan.
- (f) *Chemical storage.* Any chemicals stored on a construction site shall be stored in approved containers, properly secured, and it shall be unlawful for the owner, agent or contractor in charge of a construction site to permit the improper storage of chemicals on a construction site.

Sec. 17-85. Litter receptacles at places frequented by the public.

- (a) *Receptacles required.* Every owner, occupant, tenant, or lessee in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, or lessee in control of any property shall determine the number and size of the receptacles, except that no less than one receptacle shall be placed at each site. Receptacles shall be no less than ten gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his or her own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.
- (b) *Periodic emptying of receptacles.* All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

Sec. 17-86. Duty of owners and occupants.

- (a) *General requirement.* It shall be the responsibility of each owner, agent, occupant, or lessee to keep his or her property free of litter. The owner, agent, occupant, or lessee of any property shall be responsible for removing litter accumulating on said property.
- (b) *Litter prohibited.* No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter and waste contained therein, except that this requirement shall not apply to an area designated and approved by the county as a permitted disposal site.
- (c) *Adjacent and surrounding areas.* It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter. These areas include, but are not limited to public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter shall be performed in accordance with this chapter.

Sec. 17-87. Violations, evidence, notification and enforcement penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.
- (b) *Evidence.*
 - (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, it shall

be prima facie evidence that the operator of the conveyance has violated this article.

- (2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.
- (c) *Notification.* Notice of a violation of this article and chapter shall be made by serving a citation by mail or in person by an officer, agent or official of the city empowered by the Code of Ordinances of the city or by the state to issue citations on behalf of the city.
- (d) *Penalties.* Any person who violates the provisions of this article and this chapter or is charged with causing the violation of any provision of this article and this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
 - (1) By a fine of not less than \$200.00 and not more than \$1,000.00; and
 - (2) In addition to the fine set out in subsection (1) above, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city; and
 - (3) a. In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
b. In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
 - (4) The court may publish the names of persons convicted of violating this article and chapter in the legal organ of the city.
- (e) *Enforcement.* All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article and chapter.

Sec. 17-88. Abatement.

Whenever any person convicted of violating this article and chapter shall continue to maintain property in violation of this article and chapter, an appropriate designee of the city may be empowered to enter upon the property and correct the unlawful

condition, and to place a lien against the property for the cost of such litter removal and the cost of preparing and filing the lien, including legal expenses incurred.

Secs. 17-89. Reserved.

ARTICLE VII. COMMERCIAL, OFFICE/INSTITUTIONAL, INDUSTRIAL AND RESIDENTIAL COLLECTION IN THE CITY'S CENTRAL BUSINESS DISTRICT

Sec. 17-90. Collection in the city's Central Business District.

Notwithstanding the provisions of section 17-56 and section 17-60 of this chapter, the following regulations shall apply to the collection of all commercial, office/institutional, industrial and residential solid waste generated and collected in the city's Central Business District, as such district is defined on the Official Zoning Map of the City of Newnan:

- (1) All refuse accumulated in the city's Central Business District shall be collected, conveyed and disposed by the city under the supervision of the public works director or his/her designee. The public works director or his/her designee shall have the authority to make regulations concerning the administration of this section as he/she finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.
- (2) Owners of record and tenants of all commercial, office/institutional, industrial and residential units shall obtain service for each such unit from the city except as provided for in this section. Failure to provide evidence of proper disposal of refuse upon request by city officials (receipts, canceled checks, etc.) shall be a violation of this section, punishable as set forth in section 17-91. Refuse may not be disposed of by any person in an open dump nor may any person cause, suffer, allow or permit open dumping on his/her property.
- (3) The frequency of refuse collection from any commercial, office/institutional, industrial and residential units shall be determined in accordance with its need and convenience as determined by the public works director or his/her designee. If necessary to protect public health, the public works director or his/her designee shall have the authority to require more frequent collections than originally determined. Carts shall be furnished as needed by the city.
- (4) Owners or tenants of commercial, office/institutional, industrial and residential units shall place the refuse in the carts and the carts shall be placed, on assigned collection days, at front curbside locations in such manner as not to obstruct passage or in the alley's located in the city as directed by the public works director or his/her designee. If the carts are to be placed at curb side, the owners or tenants shall place the carts at appropriate curbside locations at or before 6:00 a.m. or prior to the arrival of the collection vehicles. This placement shall not be made before 7:00 p.m. on the date prior to collection day. Any refuse placed on the curb after departure of the pickup crew of the city or its authorized agent shall subject the owner to prosecution for violation of this chapter should the street become littered from refuse.

- (5) Owners or tenants of commercial, office/institutional, industrial and residential units shall remove the carts from curbside location to storage location, which storage location shall be nearer to the residential unit located on the premises than to any street abutting the premises; removal of the cart should be accomplished within 24 hours following collection on the date the contents are emptied and collected.
- (6) Owners or tenants shall prevent the continued, excessive and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon owner's property.
- (7) It shall be a violation of this chapter to place or cause to be placed for collection any hazardous waste, any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.
- (8) Bulk items may be collected at the curbside at the request of the owner or tenant as an unscheduled or special service upon setting up such collections or services with the public works director or his/her designee. Owners or tenants shall be responsible for the removal of any CFCs and freon from any items of bulk items prior to its collection. There shall be a minimum fee, as established by city council in the fee schedule based on a per vehicle load plus disposal cost based on the current landfill rates for the type of materials collected. Payment for such service shall be due five days following receipt of a statement for such service from the city. Payments received by the city after the due date shall incur a late payment charge as set forth in the fee schedule.
- (9) All refuse will be collected by the city if placed in the cart. No open containers shall be permitted.
- (10) Yard trimmings shall be collected by the city once every week if placed at curbside for collection. A private contractor providing landscaping maintenance must remove yard trimmings from the premises and may not be placed at curbside for collection.
- (11) Owners and tenants of commercial office/institutional, industrial and residential units shall be responsible for the proper disposition of any dead animals.
- (12) During any week in which there is an observed holiday or extremely harsh weather conditions, such as snow or ice, the city may collect refuse in accordance with an altered collection schedule as needed.
- (13) Fees for collection of solid waste, by the city shall be as established in the city's fee schedule as it may be amended from time to time. The due date for the payment of solid waste collection fees shall be the 1st day of each month. Any payment received after the 1st day of each month shall incur a late payment charge as set forth in the fee schedule.
- (14) The City of Newnan at all times reserves the right to direct and control all relevant aspects of the time, place and manner of refuse service in the Central Business District. Nothing in this chapter is intended to abridge the City of Newnan's right to ownership and control of the waste stream.

- (15) Except as otherwise provided for herein, no other person, firm or corporation shall collect or convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city other than the city. To the extent there exists, as of the date of the enactment of this chapter, a validly enforceable contract for refuse collection by and between any commercial office/institutional, industrial and residential units within the city and a third party company, not the authorized agent of the city, such contract will, upon application made by the commercial office/institutional, industrial and residential units who is a party to the contract, be allowed to expire, excluding any provisions for renewal, before the city shall require the commercial office/institutional, industrial and residential units to exclusively use the city for refuse collection services.
- (16) All commercial office/institutional, industrial and residential units or other entities producing hazardous waste or special waste shall be responsible for the disposal of and provide for the disposal of the hazardous waste or special waste in accordance with all federal and state laws and regulations.
- (17) All commercial office/institutional, industrial and residential units or other entities serviced by dumpsters prior to adoption of amendment shall be permitted to continue dumpster service. New dumpster service shall be permitted upon approval from public works director or his/her designee. The owner and tenant of any commercial office/institutional, industrial and residential units shall cause to be built, around the area in which the dumpster is located, a screened fence of durable quality and construction at least six feet in height which conceals and blocks the container from the view of any public property. The owner and tenant of any commercial office/institutional, industrial and residential units shall provide unimpeded access to each dumpster by the collection vehicles on collection days at collection times. No parking or other obstructions shall be permitted in the access area for dumpsters. Concrete pads of appropriate size and construction shall be provided for dumpsters or groups of dumpsters by the property owner. Adequate drainage shall be provided in and around the pad areas.
- (18) As a condition to the issuance of a permit for the construction of a commercial office/institutional, industrial and residential units, arrangements for the storage of refuse and carts and location of dumpsters, if permitted, must be approved by the public works director or his/her designee.
- (19) Owners and tenants of commercial, office/institutional, industrial and residential units shall be responsible for maintaining the area surrounding dumpsters and carts clean and free of accumulation of refuse.
- (20) Multi-tenant unit/customer: At the discretion of the public works director or his/her designee, combined billing may be made available for multi-tenant facilities whereby eight or more units/customers are present, excluding those situations in which a restaurant and/or residential use is one of the included tenants/customers.
- (21) Grease collection: All cooking oil or grease generated by the owner or tenant of a restaurant or other food service establishment shall be collected and held

by the owner or tenant in a container approved by the public works director or his/her designee. The collection container shall be located on private property and shall not be located or placed on a sidewalk or public right-of-way. The collection container shall be serviced and the cooking oil and grease collected and removed by a private contractor contracted with by the owner or tenant.

- (22) Exemptions: State, federal and county facilities shall be exempt from the provisions of this section; however, such agencies may contract with the city for such services in accordance with the provisions of this section.

Sec. 17-91. Penalties.

Any owner or tenant failing to comply with the requirements of this section may be prosecuted by the city in accordance with this section and upon conviction shall be subject to the penalties set forth in section 17-48 of the Code of Ordinances.

SECTION II: All formal ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter are hereby repealed.

SECTION III. Severability. In the event any section, subsection, sentence, clause, or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses, or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council hereby declares that it would have passed the remaining parts of this ordinance or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

SECTION IV: This ordinance shall be in full force and effect upon its official adoption by the Mayor and Council of the City of Newnan with a program commencement date of January 1, 2023.

DONE, RATIFIED, and PASSED, by the City Council of the City of Newnan, Georgia, this the 13th day of December, 2022 in regular session assembled.

ATTEST:

Megan Shea
Megan Shea, City Clerk

L. Keith Brady
L. Keith Brady, Mayor

Raymond F. DuBose
Raymond F. DuBose, Mayor Pro-Tem

REVIEWED AS TO FORM:

C. Bradford Sears, Jr.
C. Bradford Sears, Jr., City Attorney

George M. Alexander
George M. Alexander, Councilmember

Cleatus Phillips
Cleatus Phillips, City Manager

Cynthia E. Jenkins
Cynthia E. Jenkins, Councilmember

Rhodes H. Shell
Rhodes H. Shell, Councilmember

Dustin Koritko
Dustin Koritko, Councilmember

Paul Guillaume
Paul Guillaume, Councilmember