

CITY OF JONESBORO

STATE OF GEORGIA

ORDINANCE NO. 2014-006

CITY OF JONESBORO, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, GEORGIA; TO AMEND CHAPTER 54, SOLID WASTE, TO PROVIDE FOR A GARBAGE COLLECTION FEE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Jonesboro, Georgia (the “City”) are the Mayor and Council thereof; and

WHEREAS, the City desires to provide a more uniform method of collection and disposal of solid waste from improved residential properties; and

WHEREAS, these amendments are necessary to further the general health and welfare of the community.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA:

Section One. The Code of Ordinances of the City of Jonesboro is hereby amended by deleting the existing Section 54-1, Definitions, and adding a new Section 54-1 to read as follows:

“54-1. 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 waste means stoves, refrigerators, water tanks, washing machines, furniture and other waste materials excluding construction debris.

Cart means the receptacle, which size, shape, color and material upon which it is constructed is approved by the city manager of the city, designed or used for the depositing of garbage, refuse, trash, or recyclable materials as specified by the city and provided by the city contractor.

City means the City of Jonesboro, Georgia.

City contractor means the waste management organization with whom the City has entered into a contract to provide waste removal services or its successors or assigns.

Commercial establishment means all retail commercial, office, industrial and institutional establishments.

Commercial and industrial refuse means all garbage and rubbish generated by a resident at a commercial or industrial unit, but in all cases to exclude hazardous waste, such as but not limited to tires, motor oil and batteries, paint and paint thinner, gasoline, and batteries, etc.

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

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

Composting means the controlled biological decomposition of organic matter into a stable, odor-free humus.

Construction debris means waste building materials resulting from construction, remodeling, repair or demolition operations by a contractor, not a private resident owning the property.

Container means the receptacle designated or used for depositing of garbage refuse, trash 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.

Dumpster means a metal receptacle designed to be lifted and emptied mechanically for use primarily at commercial and industrial units.

Dumpster, recyclable means a receptacle, designed for the depositing of recyclable material, made of any material and having a capacity of two cubic yards or more.

Dumpster, refuse means a receptacle designed for the depositing of garbage, refuse, trash, or reusable materials, made of any material and having a capacity of two cubic yards or more.

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 bulky waste, construction debris, dead animals, hazardous waste or rubbish, wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

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 chapter, 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 bulky waste containing chlorofluorocarbon refrigerants or Freon.

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

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 multifamily 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 any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

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

Recyclable material means material that is capable of being reused or returned to use in the form of a raw material.

Recyclable material(s) means newspaper, glass, plastic, aluminum and cardboard.

Refuse means garbage and rubbish generated at a residential, commercial, church, park, medical, or industrial unit and includes combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding;

noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catchbasin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations.

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

Residential unit means:

- (1) A free-standing structure constructed for use as a residence by a person or group of persons; or
- (2) A residential unit within a multifamily structure (including only duplex, triplex, and quadriplex residential units) for which refuse collection using carts is deemed to be appropriate.

Reusable material means items or materials that can be reused with little or no value added.

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, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or yard trimmings.

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

Yard trimmings means wood, wood products, tree trimmings, dead plants, weeds, trees or branches thereof, chips, shavings, sawdust resulting from homeowner landscaping maintenance, leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.”

Section Two. The Code of Ordinances of the City of Jonesboro is hereby amended by deleting the existing Section 54-11, Garbage collection fees; invoices; penalties for late payment, and adding a new section 54-11 to read as follows:

“Section 54-11, Garbage collection fees; billing; penalties for late payment.

- (a) For the year calendar 2014 and each succeeding calendar year, a garbage collection fee in an amount set by a fee schedule, as modified from time to time by resolution of the Mayor and Council, shall be assessed against each Residential unit and to the real property owner. The garbage collection fee schedule shall be on file in the office of the city clerk.
- (b) The City Finance Officer, when collecting the City’s ad valorem taxes, shall prepare and mail to each owner of residential property in the City an annual billing for garbage

collection fees. Owners of Residential units shall be assessed a garbage collection fee for each residential unit on the property.

- (c) The garbage collection fee will appear as a separate line item on the property owner's annual ad valorem tax bill and shall become due and payable in one annual payment at the same time that ad valorem taxes are due and payable. Each year's payment entitles the property owner to garbage collection and disposal service for each Residential unit so assessed.
- (d) If the garbage collection fees remain unpaid, the City Clerk or an authorized designee shall have the authority to issue a writ of fieri facias (fi. fa.) or execution against the Residential unit served. The writ of fieri facias or execution shall have the same lien dignity and priority as a writ of fieri facias or execution issued for ad valorem taxes. Each annual installment shall become a lien against the Residential unit served on January 1 of each year in the same manner and the same priority that a lien attaches for ad valorem taxes. Any garbage collection fee that remains unpaid shall accrue penalty, interest, and fieri facias charges in the same manner and the same rate as delinquent ad valorem taxes.
- (e) In lieu of payment of this garbage collection fee, all properties which are exempt from ad valorem taxes under Georgia law shall be charged and invoiced for all sanitation service received from the City through a monthly bill to the registered address of the owner of such property. The charge for such services shall be determined by the governing authority.
- (f) There shall be no free service offered by the City for garbage collection service. 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 54-12 herein.
- (g) Unless requested by the property owner, no garbage collection fee will be charged to vacant lots. Only properties that have thereupon a Residential unit shall be charged the garbage collection fee.

Section Three. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

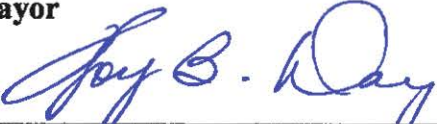
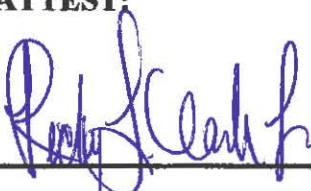
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,

sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

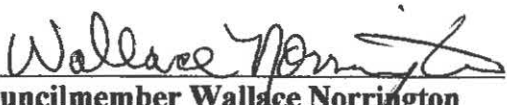
Section Four. All ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

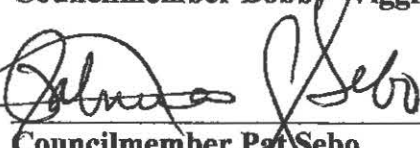
Section Five. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 13 day of October, 2014.

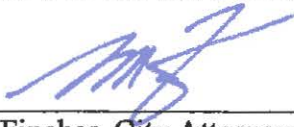
CITY OF JONESBORO, GEORGIA	ATTEST:
	
Mayor	City Clerk





Councilmember Wallace Norrington

Councilmember Bobby Wiggins

Councilmember Pat Sebo

APPROVED AS TO FORM:


Steve Fincher, City Attorney


Councilmember Randy Segner

Absent
Councilmember Billy Powell


Councilmember Jack Bruce