

STATE OF GEORGIA  
FULTON COUNTY

First Reading: June 22, 2015  
Second Reading: July 13, 2015

**ORDINANCE TO AMEND CHAPTER 24 "UTILITIES AND SERVICES,"**  
**ARTICLE 24.2 "GARBAGE AND SOLID WASTE DISPOSAL" AND ARTICLE 24.3**  
**"COLLECTION OF COMMERCIAL WASTE," OF THE CODE OF ORDINANCES OF THE**  
**CITY OF ROSWELL**

**WHEREAS**, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

**WHEREAS**, the Mayor and Council of the City of Roswell are charged with the protection of the public health, safety and welfare; and

**WHEREAS**, the Mayor and Council now wish to amend the **City of Roswell Code of Ordinances, Chapter 24 Utilities and Services, Article 24.2 Garbage and Solid Waste Disposal, Sections 24.2.1 through 24.2.8 and Article 24.3 Collection of Commercial Waste, Sections 24.3.1 through Section 24.3.6:**

**NOW, THEREFORE**, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:

1.

**Chapter 24 Utilities and Services, Article 24.2 Garbage and Solid Waste Disposal, Sections 24.2.1 through 24.2.8, and Article 24.3 Collection of Commercial Waste, Sections 24.3.1 through 24.3.6 of the Code of Ordinances** are hereby amended by deleting such Sections and substituting new Sections 24.2.1 – 24.2.8 and 24.3.1 - 24.3.6 of the **Code of Ordinances**, to read as follows:

**Article 24.2 Garbage and Solid Waste Disposal**

**Section 24.2.1 - Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them respectively:

*Authorized Agent:* Designee of owner of the property. Excludes tenants.

*Commercial waste:* All waste byproducts of manufacturing or commercial establishments, cinders and ashes from commercial boilers, and cardboard and wooden boxes, crates and barrels.

*Curbside:* A location near the street, behind the curb-line and not blocking a sidewalk, where trash receptacles are readily accessible to collection vehicles. The Environmental/Public Works Director or his/her designee may authorize the location of containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection of garbage.

*Entity:* The actual business or house for collection.

*Environmental/Public Works Director:* Represents the City in matters concerning sanitation or designates his/her representative.

*Garbage:* Domestic waste including meat, vegetable and fruit scraps, cans, bottles, paper, cardboard, rags, ashes and other such waste material ordinarily disposed from residences, churches, schools, small business establishments and other such places. Animals, fowl and fish entrails, bones and

carcasses whether in whole or in part, from business establishments such as slaughterhouses and meat and fish markets shall not constitute "garbage", but shall constitute "other waste."

*Large items:* Furniture, appliances, and the like which are of no use to a homeowner or charity.

*Other waste:* Animal, fowl and fish excrement, entrails, bones, carcasses in whole or in part and dead animals, and any other refuse material not otherwise classified herein.

*Other yard waste:* Yard waste which is loose and not bagged.

*Owner:* Person or persons who own the actual property whether commercial, industrial, multi-family or residential.

*Scavenger:* Any person who salvages or collects for a fee, resale or other use, any garbage, paper, cardboard, boxes, crates or other waste which are to be disposed from any residence or establishment where people reside, congregate or are employed.

*Scout truck:* A collection vehicle used in areas inaccessible to the rear-loading compactor and in additional circumstances when authorized by the sanitary superintendent.

*Yard waste:* Yard waste such as weeds, grass and hedge trimmings, leaves, brush, tree limbs and other such material contained in bags or other approved container.

#### **Section 24.2.2 - City to Collect Garbage and Yard Waste.**

The City of Roswell will collect all garbage and yard waste generated within city limits. No permits will be issued to private companies to collect garbage and yard waste unless the city is unable to furnish the service. Such services shall be authorized by the city as needed. The city shall issue a letter with a set permit fee at that time.

#### **Section 24.2.3 - Commencement of Service.**

All property owners or their authorized agents shall be required to pay for garbage/solid waste collection and disposal for all habitable property within the City of Roswell and for the payment of fees to the City of Roswell for such services. An owner or authorized agent shall notify the finance department of the city of proper contact and billing information and shall be responsible for updating said information as needed. Garbage and solid waste collection fees shall be a charge against the property.

#### **Section 24.2.4 - Fees.**

The collection fees for residences, commercial establishments, factories and other business places shall be such as may be set from time to time by the mayor and city council.

- (a) *Cost.* The finance department of the city shall maintain on file and make available to the public a record of the costs, fees, service charges and deposits for curbside garbage collection and any additional fees for special circumstances including but not limited to scout truck service. Non-payment of fees shall be cause for the imposition of late fees as determined by resolution of mayor and council and shall also cause a penalty of one and one-half (1½) percent of the total amount owed to accrue each month until the total amount due is paid in full. Continued delinquent accounts shall be subject to imposition of a lien against the property served, in accordance with the City Charter.

- (b) *Large item fee, process/nuisance fee.*

- (1) Pickup of oversized items can be arranged. Pick up of oversized items are requested by contacting the Environmental/Public Works Department. A work order is issued with the date for pickup after payment is received.
- (2) A nuisance fee will be applied to customer's utility bill for picking up a refrigerator, other appliance, or any other item (without a work order) which may pose a hazard to the general public.

**Section 24.2.5 - Garbage Containers; Collection.**

(a) Every individual residence or premises where people reside shall provide garbage containers sufficient to accommodate seven (7) days accumulation of garbage. No garbage container shall exceed fifty (50) gallons or be filled with garbage or other material or waste in excess of one hundred (100) pounds including the weight of the container.

(a.1) Standard garbage collection service shall be provided for up to three (3) containers not exceeding a total combined capacity of one hundred (100) gallons.

(a.2) Premium garbage collection service may be provided for up to six (6) containers at an additional cost as determined by the mayor and city council. Containers shall be made of metal or plastic with solid bottom and tight fitting metal or plastic cover, and shall be equipped with handles or grips to allow for the safe and convenient handling of the containers. Total capacity for premium service shall not exceed two hundred (200) gallons.

It shall be unlawful to place garbage for collection in a box, tub, crate or container made of material other than that specified in this section. Subject to Article 18.2 of the Roswell Code of Ordinances, any garbage, yard waste, or other waste defined in this chapter left at curbside shall be deemed waste material and shall, subject to the limitations of this chapter, be picked up by the city at a charge to the property owner or his authorized agent. Those owners or authorized agents exceeding the amount or type of garbage and/or waste allowed shall be deemed in violation of this ordinance and shall be subject to those general penalties described in section 1.1.3 of the Roswell Code of Ordinances.

(b) Garbage containers shall be placed at the curb no earlier than 6:00 p.m. the day before pickup. To insure pickup, containers should be placed no later than 8:00 a.m. on the day of collection. Containers, including curbside recycling bins, shall be removed from the curb no later than by the end of the day of collection.

(c) Garbage shall be collected from the curbside, or other suitable location authorized by the Environmental/Public Works Director or his/her designee, at residential premises once weekly.

(d) Non-collectable and prohibited items: Certain items, by their nature, prohibit disposal or collection by ordinary or routine means due to their size, weight, volume, bulk, putrescibility, injurious or hazardous characteristics. The following is a nonexclusive list of the type of items that shall not be collected by the service provider as part of its routine service. This includes curbside-recycling collection. Placement of these items or similar items in receptacles serviced by both the garbage and recycling providers is prohibited:

1. The placement of the following prohibited items in receptacles placed on the curb for pickup by the city is unlawful and punishable according to section 1.1.3 of this Code in addition to any federal and state penalties. The public works/environmental department shall maintain, on file, information regarding proper disposal practices for prohibited items.

- (a) Vehicle batteries.

- (b) Toxic, caustic, infectious, contagious, explosive or otherwise hazardous waste:

The service provider shall not collect nor handle toxic, caustic, infectious, contagious, explosive or otherwise hazardous waste for disposal. Such waste shall be disposed of in accordance with federal, state and local laws and procedures.

2. Items similar to, but not limited by the following, may be collected curbside only after the purchase of a special sticker. Such sticker shall be available in the Roswell Public Works/Environmental Office in city hall:

- (a) Household or industrial appliances and furniture.

- (b) Carpets or carpet scraps.

- (c) Bed springs.
- 3. Certain items, including but not limited to the following, shall not be collected by the City of Roswell's curbside garbage pickup:
  - (a) Tires.
  - (b) Wooden crates.
  - (c) Logs or limbs.
  - (d) Rock, dirt, concrete blocks or other construction and demolition waste.
  - (e) Liquids of any type not in a sealed container.
  - (f) Wet garbage not in a plastic garbage bag.
  - (g) Household solid waste not in a plastic garbage bag.

Such items shall be properly disposed of by the owner of the property.

**Section 24.2.6 - Collection Exceptions.**

Exceptions to the curbside requirement may be granted, at the discretion of the Environmental/Public Works Director or his/her designee of the city. Scout truck service is available upon request and/or upon reasonable verification for the disabled or persons 65 years of age or older.

**Section 24.2.7 - Yard Waste—Preparation and Placement for Collection.**

- (a) All leaves, pine needles and other small items of yard waste shall be bagged and/or placed in a thirty-gallon, fifty-pound weight, wet strength Kraft paper sack or other container identified as containing yard waste and made of metal or plastic with solid bottom and close-fitting metal or plastic cover with a maximum capacity of fifty (50) gallons. Containers shall be placed as directed above in subsection 24.2.5(b). Holiday schedules may cause adjustment of the day of collection, and periods of heavy usage, such as following a major storm or annual pruning season, may result in delays.
- (b) Tree trunks and large limbs and other waste that cannot be loaded by hand will remain the responsibility of the property owner. Tree contractors shall be responsible for disposal of their own waste.
- (c) Yard waste shall be collected by city trucks on days established by the mayor and city council; provided, that at no time shall trash be placed in such a manner as to obstruct gutters, drains, walkways or streets. Tree limbs and branches which exceed four (4) feet in length or six (6) inches in diameter will not be picked up by city crews.
- (d) Routine weekly collection will include up to twelve (12) thirty-gallon Kraft paper sacks or their equivalent in containerized yard waste material, or up to two (2) cubic yards of loose limbs and branches as described at subsection 24.2.7(c), or an equivalent total. For pickup of excess quantities beyond the 2 cubic yards or 12 bags, contact the Environmental/Public Works Director or his/her designee for payment and scheduling.

**Section 24.2.8 - "Other Waste", Disposal by Owner; Hospital Wastes, etc.**

- (a) "Other waste", as defined in this chapter, shall be disposed of by persons in charge of the residence or establishment where such wastes are generated. Disposal shall be at the disposal facility designated by the city or as authorized by the Environmental/Public Works Director or his/her designee.
- (b) It shall be unlawful for any person to dispose of any soiled linen, cotton or bandages, or waste or refuse of any kind from any hospital, sanitarium, infirmary, clinic or undertaker's shop, whether public or private, in any manner except by incineration, unless otherwise directed by the sanitary superintendent. Kitchen wastes from such establishments are expressly exempt from this requirement.

## **Article 24.3 Collection of Commercial Waste**

### **Section 24.3.1 - When Commercial Garbage Receptacles Required.**

The owners and/or operators of commercial and industrial establishments and/or apartment houses, including public housing consisting of six (6) or more living units, shall, subject to the determination of the Environmental/Public Works Director or his/her designee, rent from the city commercial containers in sufficient number to adequately contain the garbage and refuse disposal at the location. The type, size, number and location of commercial containers required by this section shall be subject to the approval of the Environmental/Public Works Director or his/her designee. It shall be the responsibility of the owner of the property to collect fees from tenants, leases or association owners. Common containers may be requested for commercial garbage service, however, a written request must be submitted to the Environmental/Public Works Director for approval before such arrangement is allowed.

### **Section 24.3.2 - Placement of Commercial Containers.**

Commercial containers required by this article shall be placed as required by the Environmental/Public Works Director or his/her designee. If a commercial container is placed at any place other than that directed by the Environmental/Public Works Director or his/her designee, the container will not be picked up. The failure of the city to pick up garbage or trash under such circumstances shall not affect the garbage container rental or rate for this service. A written sanitation plan is required and should be approved by the Environmental/Public Works Director or his/her designee. At minimum the sanitation plan should include proposed location and number of dumpsters/containers, frequency of service, sharing information (if applicable) and contact information.

### **Section 24.3.3 - Commercial Containers not to be Left on Streets; Exception.**

Commercial containers containing garbage, ashes or other refuse material shall not be left for collection upon any street, sidewalk, avenue or other public place, except as specifically authorized by the Environmental/Public Works Director or his/her designee.

### **Section 24.3.4 - Night Collections.**

Whenever the mayor and the council shall decide that the best interests of the public will be served by the collection of garbage from certain areas in the city at night, the Environmental/Public Works Director or his/her designee shall be directed to make such collection.

The Environmental/Public Works Director or his/her designee shall notify the occupants of the places of business within the designated area that the garbage will be picked up during certain hours and that the containers must be placed in the place designated for the pickup. All persons so notified shall comply with such order and shall place the containers as designated within such hours.

### **Section 24.3.5 - Rates for Trash Collection; Rates for Pickup for Industrial and Commercial Establishments and Certain Other Units.**

- (a) *Effective date:* The rates set forth below will be charged on all bills rendered after January 1, 1996.
- (b) *Commercial:* Rates for commercial collection as established from time to time by the mayor and council shall be maintained on file in the finance department. Non-payment of fees will be subject to penalties and interest, and continued delinquent accounts will be subject to imposition of a lien against the property served, in accordance with the City Charter.
- (c) *Pickup for containers not provided by the City of Roswell Public Works Department:* The Environmental/Public Works Director or his/her designee can decide to authorize collection of garbage (trash) not contained in an authorized city container. The rate for collection will be determined by the Environmental/Public Works Director dependent upon the particular circumstances of the request.
- (d) *Cost for use of private service:* Any entity authorized to use a private garbage and trash removing service under section 24.1.2 of this article, shall pay the city for use of city infrastructure and other

costs to the city, a monthly sum per unit and/or using entity as established by mayor and council such as to offset the costs to the city.

- (e) *Service fee*: Every establishment (commercial, industrial, multi-family) shall be required to pay a fee to the city to cover the cost of setting up service and provisions of dumpsters for use. This will apply to all new accounts opened after September 1, 2001. These fees are non-refundable. The service fee shall be established from time to time by the mayor and council and shall be maintained on file in the finance department.

**Section 24.3.6 - Special Requirements.**

- (a) No building materials or refuse from building, remodeling, repair operations or landscape work will be handled by city forces. All waste material of this nature shall be removed by the contractor, or in the event of his failure, by the owner of the property; provided, that the owner may make application to the Environmental/Public Works Director or his/her designee may, if practical, remove the rubbish at the expense of the owner. The charge made for such service shall be determined in each case by the superintendent with relation to the service performed or if a hardship exists determined by the superintendent of public works.
- (b) Industrial wastes from factories, processing plants, dry cleaning operations and other manufacturing operations shall be collected, removed and disposed of by the operator of the enterprise.
- (c) The Environmental/Public Works Director or his/her designee may remove any waste materials for which no provision is made in this section, provided the cost that is determined by the Environmental/Public Works Director as being reasonable for the service performed is paid by the person making application for the removal of such waste material.

2.

**Severability.** Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

3.

**Repeal of Conflicting Provisions.** All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

4.

**Renumbering.** It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 13<sup>th</sup> day of July 2015.

Attest:

Jere Wood  
Jere Wood, Mayor

Marlee Press  
Marlee Press, City Clerk  
(Seal)

Jerry Orlans  
Councilmember Jerry Orlans

Rebecca Wynn  
Councilmember Rebecca Wynn

Richard Dippolito  
Councilmember Richard Dippolito

Kent Igleheart  
Councilmember Kent Igleheart

Nancy Diamond  
Councilmember Nancy Diamond

