

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO REVISE CHAPTER 22, ARTICLES I AND II, OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, GEORGIA, ENTITLED AND RELATED TO SOLID WASTE MANAGEMENT; AND FOR OTHER PURPOSES.

WHEREAS, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as “Macon-Bibb County”; and

WHEREAS, the Macon-Bibb County Commission wishes to revise Chapter 22 of its Inaugural Code of Ordinance entitled “Solid Waste Management”; and

WHEREAS, the Macon-Bibb County Commission desires to create a uniformed solid waste collection system throughout the County; and

WHEREAS, the Macon-Bibb County Commission desire set uniformed solid waste collection rates throughout the County; and

WHEREAS, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

Section 1.

Chapter 22 – Solid Waste Management; of the Inaugural Code of Ordinances for Macon-Bibb County is hereby created to read as follows:

Chapter 22 – Solid Waste Management

ARTICLE I. - IN GENERAL

Sec. 22-1. - Adopted; implementation.

Sec. 22-2. - Definitions.

Sec. 22-3. - Reserved.

Sec. 22-4. - Special provisions relating to yard trimmings.

ARTICLE I. - IN GENERAL

Sec. 22-1. - Adopted; implementation.

(a) The commission declares it to be the policy of the consolidated government in furtherance of its responsibility to protect the public health, safety, and well being of its citizens and to protect and enhance the quality of its environment, to revise and update existing laws, and to institute and maintain a comprehensive jurisdiction-wide program for all solid waste management which will assure that the storage, transportation, collection, and disposal of solid waste does not adversely affect the health, safety, and well being of the public and does not degrade the quality of the environment by their reason of location, design, method of operation or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste referred to in this chapter as recovered material.

(b) It is further declared to be the policy of Macon-Bibb County to educate and encourage generators and handlers of all solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods to promote markets for and engage in the purpose of goods made from recovered materials and goods which are recyclable.

Sec. 22-2. - Definitions.

Brush means grass cuttings, weeds, hedge trimmings, tree trimmings and tree limbs not to exceed four feet in length and four inches in diameter.

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.

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

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

Garbage means all animal and vegetable matter subject to decay or putrefication, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafés, drugstores, hotels, rooming and boarding houses and other deleterious substances, not including dirt, concrete or rocks, human excreta, sewage, and carcasses of dead animals.

Industrial waste means solid waste generated by manufacturing or industrial processes or operations that are not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the board of natural resources, chapter 391-3-11. Such waste includes, but is not limited to, waste resulting from the

following manufacturing processes: electric power generation; fertilizer /agricultural chemicals; food and related products /by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal manufacturing; foundries; organic chemicals; plastics and resins manufacturing; pulp and paper manufacturing; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Inert waste means wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed.

Litter means all discarded sand, gravel, slag, brickbats, rubbish, waste material, refuse, garbage, yard waste, debris, dead animals or other discarded materials of every kind and description which are not waste as such term is defined in this section.

Municipal solid waste means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means 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.

Open dump means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.

Permitted disposal facility means any facility which is permitted by the state department of natural resources, environmental protection division, for the treatment, utilization, processing or deposition of solid waste.

Person means the state of Georgia or any other state, agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

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; and residential or farm properties, timberlands, or forests.

Recapping facility means any facility which remanufactures waste tires for reuse. Receptacle means any container used for storing municipal solid waste. Recovered materials means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Recovered materials processing facility means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Refuse means all discarded waste such as garbage, trash, brush and dead animals.

Single stream recycling means a system in which all recyclable materials are placed in a single bin or container.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural 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 USC Section 1342; or source, special nuclear, or by-product material.

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Waste means all discarded substances and materials whatsoever exceeding ten pounds in weight or 15 cubic feet in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste, a hazardous substance, or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal by-products classified by the state department of natural resources, "waste" includes without limitation, sand, gravel, slag, brickbats, rubbish, waste material; tin cans, refuse, garbage, trash, debris, dead animals, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.

Yard trimmings means 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.

Sec. 22-3. - Reserved.

Sec. 22-4. - Special provisions relating to yard trimmings.

(a) The following restrictions are placed upon yard trimmings which are generated in or may ultimately be disposed of within Macon-Bibb County.

(1) Yard trimmings shall not be placed in or mixed with municipal solid waste.

(2) Yard trimmings shall not be disposed of at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion unless approved by the Environmental Protection Division of the Georgia Department of Natural Resources

(3) Yard trimmings shall be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling.

(4) Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible.

(b) It is the intention of this section to comply with the mandate contained in O.C.G.A. § 12-8-40.2 and not to impose any requirement not mandated by said code section.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 22-5. - Tampering with Solid waste receptacles.

Sec. 22-6. - Preparation of municipal and commercial solid waste for collection.

Sec. 22-7. - Storage of solid waste.

Sec. 22-8. - Constant supervision and surveillance over solid waste receptacle required.

Sec. 22-9. - Placing solid waste receptacles for collection.

Sec. 22-10. - Manner of collection, removal, disposal; private collection and disposal regulated.

Sec. 22-11. - Frequency of collection.

Sec. 22-12. - Burning of refuse in solid waste receptacles prohibited.

Sec. 22-13. - Removal of yard trimmings.

Sec. 22-14. - Removal of tree trunks, logs, limbs and tops required.

Sec. 22-15. - Collection and disposal of dead animals.

Sec. 22-16. - Collection, disposal of heavy accumulations.

Sec. 22-17. - Collection, disposal of industrial wastes.

Sec. 22-18. - Waste from building construction, remodeling, or landscaping.

Sec. 22-19. - Other regulations.

Sec. 22-20. - Levy of fees; payment.

Sec. 22-21. - Levy and lien.

Sec. 22-22. - Exemptions; appeal.

Sec. 22-23. - Nonliability for damages.

Sec. 22-24. - Use of facilities required; notice of service termination; resumption.

Sec. 22-25. - Utilization of solid waste containers.

Secs. 22-26—22-34. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 22-5. - Tampering with Solid waste receptacles.

The tampering or meddling with solid waste receptacles or other receptacles of refuse, or scattering the contents thereof is prohibited and shall be punished as provided by section 1-6.

Sec. 22-6. - Preparation of municipal and commercial solid waste for collection.

All municipal solid waste, commercial solid waste, brush and other refuse shall be prepared and placed for collection as provided by the terms of this chapter and the failure to prepare and place such material as is provided by the terms of this chapter shall constitute a violation under this chapter. Each day's failure to comply with the terms of this chapter shall constitute a separate offense. The division of solid waste shall not and will not make collections of such material where it has not been prepared and placed for collection as is provided by the terms of this chapter.

Sec. 22-7. - Storage of solid waste.

(a) Municipal solid waste shall be stored in wheeled containers furnished by Macon-Bibb County which shall be covered at all times. Such containers must be kept clean, free of accumulations of garbage and maintained in as sanitary a manner as is reasonably possible consistent with its use for solid waste and litter disposal. Boxes and other similar solid waste which because of size cannot be placed in the furnished wheeled containers shall be collapsed, folded flat and neatly placed alongside the container.

(b) Commercial solid waste shall be stored in the same manner as in subsection (a), or in dumpster provided or approved by the director of solid waste. Such dumpsters must be kept clean, free of accumulations of garbage and maintained in as sanitary a manner as is reasonably possible consistent with its use for commercial solid waste disposal.

Sec. 22-8. - Constant supervision and surveillance over solid waste receptacle required.

Every owner, occupant, tenant or lessee of a house or building used for residence or business is required to maintain supervision and surveillance over any solid waste receptacle on such premises. If the solid waste is not removed and the receptacle is not emptied and the contents removed by an employee of the division of solid waste, the owner, occupant, tenant, or lessee must notify the director of the division of solid waste of this fact within two business days following the scheduled pickup date.

Sec. 22-9. - Placing solid waste receptacles for collection.

Unless otherwise provided in this Code, if the house, building or premises from which garbage is to be collected and removed is adjacent to an alley, the owner, occupant,

tenant or lessee of the premises shall be required to place the solid waste receptacle adjacent to the alley for collection in order that they may be easily accessible to the collector from the outside of any fence that may surround the premises. If it is not practicable to collect and remove the garbage from an alley, or if there is no alley adjacent to the premises, the owner, occupant, tenant or lessee of the premises shall place the containers for collection so that the collector shall not be required to go more than twenty-five (25) feet beyond the rear of the principal building, house, dwelling unit or structure concerned for the purpose of collection, nor shall the collector be required to service containers situated within a fence unless the containers can be easily removed by the collector without going inside of the fenced area. In no event shall the collector be required to enter garages, breezeways, carports, basements or other structures to make collections. If it is not practicable to place the containers for collection as above specified, the director of solid waste shall designate the location of containers. Collectors shall not be required to collect garbage from any premises where a vicious dog is maintained without restraint. The provisions of this section shall not prevent the placement of brush and other yard trimmings not normally placed in solid waste receptacles for collection as provided in section 22-13.

Sec. 22-10. - Manner of collection, removal, disposal; private collection and disposal regulated.

Macon-Bibb County reserves the right to collect and dispose of solid waste either through its own employees or by contract with a person engaged in the business of solid waste collection and disposal. No person except the duly authorized employees of the department of solid waste shall empty solid waste receptacles or convey or transport garbage, yard trimmings, brush or other refuse on the streets, alleys and public thoroughfares of Macon-Bibb County without a written permit granted and issued by the director of the Department of Solid Waste. The Director of Solid Waste may establish regulations concerning the collection of commercial and institutional garbage in the interest of public health and safety.

Sec. 22-11. - Frequency of collection.

(a) Every residential and commercial user of solid waste collection service shall be entitled to receive at least one (1) garbage pickup per week and one (1) single stream recycling pickup biweekly. Yard waste will be collected on the same day that garbage service is provided, except when, in the opinion of the route supervisor, additional yard waste collection is necessary.

(b) Uncontainerized yard waste may be collected by Macon-Bibb County or its contractor or upon call by the owner or occupant of premises.

(c) The Director of Solid Waste may temporarily change the frequency in or method of the collection of garbage in a specified area for a period not to exceed ninety (90) days.

Sec. 22-12. - Burning of refuse in solid waste receptacles prohibited.

No person shall burn any garbage in solid waste receptacle maintained under the provisions of this chapter.

Sec. 22-13. - Removal of yard trimmings.

(a) Suitable containers required. Yard trimmings of such a nature that it cannot be put in a solid waste receptacle shall be carefully accumulated or placed in suitable containers weighing not more than fifty (50) pounds each or placed in a pile not to exceed three (3) feet by three (3) feet by six (6) feet. The director of solid waste is authorized to charge a fee for collection of more than two (2) cubic yards of yard trimmings and the amount of the fee shall be provided for by regulation of the Solid Waste Department.

(b) Location of containers. For convenience of collection, such accumulated yard trimmings or suitable containers shall be placed adjacent to the solid waste receptacle as specified in sections 22-9.

(c) Yard trimmings such as limbs, pine straw, leaves and so forth shall be placed by the curb or on the shoulder of the road. All pine straw and leaves must be containerized. Limbs must be cut into four-foot lengths and limbs less than four inches in diameter shall be bundled into packages weighing fifty (50) pounds or less. The director of solid waste is authorized to charge a fee for collection of more than two (2) cubic yards of yard trimmings and the amount of the fee shall be provided for by regulation of the Solid Waste Department. Limbs, tree trunks and other yard waste debris in excess of four inches in diameter will not be removed by Macon-Bibb County unless and until permitted by regulations adopted as provided in section 22-19.

Sec. 22-14. - Removal of tree trunks, logs, limbs and tops required.

(a) The owner of property within Macon-Bibb County on which trees are cut down whether by the owner or by another is required to promptly, following the cutting, remove or have removed from property at his own expense all tree trunks, logs, limbs and tops and other debris resulting therefrom. The director of solid waste is authorized to charge a fee for collection of such yard trimmings and the amount of the fee shall be provided for by regulation of the Solid Waste Department.

(b) Residue, regardless of size, from commercial tree cutting activities will not be removed by Macon-Bibb County. "Commercial tree cutting activities" shall include any cutting, whether done by the property owner or by another at his direction, of timber for any purpose other than that necessitated by routine removal of dead trees or clearing of storm debris; but even in the latter event, the limitations described above shall apply. In either such case, such residue will be removed by the contractor, owner or occupant of the premises.

Sec. 22-15. - Collection and disposal of dead animals.

The collection of heavy dead animals such as cows, horses and mules is not and shall not be included in the services furnished by Macon-Bibb County, and the owner or the person having charge thereof, shall dispose of the same at his own expense, in the manner and by the method directed by the director of solid waste. Dogs, cats or any other dead animals shall not be placed in garbage containers. Such small dead animals may be picked up by the division of solid waste upon request. The director of solid waste is authorized to charge a fee for collection of such animals and the amount of the fee shall be provided for by regulation of the Solid Waste Department.

Sec. 22-16. - Collection, disposal of heavy accumulations.

The collection of heavy accumulations, such as brick, broken concrete, lumber, ashes, clinkers, dirt, plaster, sand, gravel, automobile frames, dead trees and other bulky or heavy materials is not and shall not be included in the services furnished by Macon-Bibb County, and the owner or the person having charge thereof shall dispose of same at his own expense in the manner and by the method directed by the director of the Department of Solid Waste.

Sec. 22-17. - Collection, disposal of industrial wastes.

The collection of wastes resulting from manufacturing, assembling, processing and other industrial operations, waste oils and other similar materials from garages and filling stations, accumulations from packing houses, killing and dressing establishments for poultry and fowl and wholesale fruit and vegetable houses shall not be included in the services furnished by the division of solid waste and such premises or places shall dispose of such material at their own expense, in the manner and by the method directed by the director of the Department of Solid Waste.

Sec. 22-18. – Waste from building construction, remodeling, or landscaping.

Waste from building construction, remodeling or landscaping is not deemed garbage so as to be removable by Macon-Bibb County Department of Solid Waste. The director of solid waste is authorized to charge a fee for collection of such waste and the amount of the fee shall be provided for by regulation of the Solid Waste Department.

Sec. 22-19. - Other regulations.

The commission may from time to time adopt other implementing regulations not inconsistent with this Code which have as their purpose the orderly collection and disposal of solid waste and yard trimmings. Any such regulations, upon adoption, shall be available for inspection in the office of the director of solid waste.

Sec. 22-20. - Levy of fees; payment.

(a) To pay for the collection and disposal of solid waste on a once-a-week basis, a fee is levied for the period beginning January 1, 2016, and continuing thereafter until changed, in accordance with the following schedule:

- (1) Roll-out carts, including municipal solid waste, commercial solid waste and yard waste, \$240.00.*
- (2) Two cubic yard dumpsters, \$616.32.*
- (3) Four cubic yard dumpsters, \$842.04.*
- (4) Eight cubic yard dumpsters, \$1,225.80.*

(b) The fees levied for the several types of collections described above shall be paid in quarterly installments. Installments shall be due and payable on the first day of each calendar month thereafter until a change in fees is adopted.

(c) Persons desiring collection and disposal of solid waste and yard waste from two cubic yard, four cubic yard and eight cubic yard dumpsters on a more frequent basis may do so by making arrangements directly with the Macon-Bibb County contractor and paying the additional cost therefor to the contractor as follows:

- (1) For two-cubic-yard dumpsters, \$12.84 per pickup.*
- (2) For four-cubic-yard dumpsters, \$17.54 per pickup.*
- (3) For eight-cubic-yard dumpsters, \$25.54 per pickup.*

Macon-Bibb County reserves the right to revise the amount of fees levied as costs of collection and disposal vary and as is necessary to ensure that the cost of collection and disposal are fully covered by fees.

Sec. 22-21. - Levy and lien.

The fees hereby levied for the years above specified in the amounts shown are levied severally against the owner and occupant of the residential premises, including mobile home courts and trailer courts. The collection of such fees shall be accomplished for Macon-Bibb County by and paid into the treasury through the tax commissioner of Bibb County. The fees prescribed in this section shall be treated in all respects as provided by law with respect to ad valorem taxes, and uncollected fees, whether or not due, shall constitute a continuing lien against the real property served and upon the personal property of the occupant until paid. Fi. fas. may be issued by the tax commissioner for fees which are past due and collection may be effected as provided by law for ad valorem taxes. The fees for solid waste collection hereby levied shall be due and payable on the last day of each calendar quarter, and if the same are not paid within ten days thereafter, there is hereby levied a late charge equal to five percent of the amount due for the previous calendar quarter, or \$1.00, whichever is greater. If, on the 11th day following the end of the fiscal year of Macon-Bibb County which ends on June 30 in each year, there are due any sums as principal or late charges on fees theretofore accruing, the same shall, beginning with July 11 in each year, bear interest on the aggregate of fees and late charges due at such rate as is from time to time currently in effect as interest collectible on ad valorem taxes.

Sec. 22-22. - Exemptions; appeal.

The commission is authorized and empowered to grant exemptions from the service charges in whole or in part where through inaccessibility, or other good cause shown, the collection and disposal service contemplated in this article has not been received, and in like fashion the commission may relieve persons from the payment of the fees prescribed in sections 22-20 and 22-21 where such persons are indigent according to standards from time to time to be fixed by the committee. The commission may fix standards for determining indigency in the same manner as it adopts regulations. Any person deeming itself to be exempt from the payment of the service fee or fees prescribed in sections 22-20 and 22-21 shall make application for exemption to the Macon-Bibb County director of solid waste who shall transmit the same to the commission for its determination. Decisions of the commission shall be final. The tax commissioner shall be authorized to rely on the certificate of the director of solid waste certifying that any person has been relieved from the payment of fees prescribed by this article, and such certificate shall state the period of time such exemption is to remain in force.

Sec. 22-23. - Nonliability for damages.

(a) Whenever the owner or occupant of property from which solid waste or yard waste is collected by Macon-Bibb County, authorizes or permits the use of private driveways or other portions of private property for such collection, such authorization or permission, whether expressed or implied, shall be deemed to constitute a waiver on the part of the owner or occupant, either or both, of the premises of any claim for damages against Macon-Bibb County, its officers, agents, employees and contractors which result from the use of such private property in the collection process.

(b) Macon-Bibb County and any person acting as its contractor pursuant to contract shall be deemed to have been invited and authorized to enter upon private property for the purpose of collecting solid waste and yard waste, either or both, in those cases where other than curbside collection is authorized by ordinance or by regulation.

Sec. 22-24. - Use of facilities required; notice of service termination; resumption.

(a) The owner and occupant of each residential premises, including mobile home courts and trailer courts, shall dispose of solid waste only by the means of a collection and disposal service provided by Macon-Bibb County, which, at its option, may accomplish the same by its employees or by contract, all as set out in section 22-10, and no such person shall dispose of solid waste generated by or from residential premises except by such means.

(b) Whenever a residential unit becomes vacant, destroyed by fire or other casualty, or is demolished or for some other similar reason no longer generates solid waste, it is incumbent severally upon the owner and former occupant of the premises to notify the Macon-Bibb County director of solid waste in writing of the circumstances. The director of solid waste may cause such investigation of the report as is appropriate and if he finds

the same to be consistent with the provisions hereof, the premises in question shall be removed from the solid waste collection digest and the fee charge shall thereupon cease. Until such notice shall have been received by the director of solid waste, however, the fee shall continue to be charged and shall continue to be collectible, notwithstanding the fact that service is not in fact rendered to the residential premises. Similarly, if service has been discontinued pursuant to a notice as provided in this section but is thereafter resumed, or if land which was previously vacant has been improved with residential structures and begins to receive service, it shall be incumbent on the owner and occupant, severally, to notify the director of solid waste of such commencement of resumption of service and the fee prescribed in this article shall be payable for such property from and after the date of such notice. Nothing contained in this section, however, shall be deemed to preclude the Macon-Bibb County director of solid waste from adding to the solid waste collection digest residential properties which are found, independent of any notice, to be receiving the service whether or not such notice has been received and to make the appropriate fee charges.

Sec. 22-25. - Utilization of solid waste containers.

(a) The provisions of this section shall become effective as to every owner, occupant, tenant or lessee owning, using or occupying any building, house or structure occupied as a residence or business immediately upon the delivery of a wheeled container, or other approved receptacle, to the premises by the solid waste department.

(b) It shall be the duty of such owner, occupant, tenant or lessee to place all garbage and yard waste needing removal from the premises in a wheeled container which complies with the specifications of the director of solid waste and, when the container is filled to capacity, to place any excess in either a plastic bag or a standard metal or plastic refuse container and place the bag or container next to the location of the wheeled container for collection on designated pickup days.

(c) The owner, occupant, tenant or lessee shall, not earlier than 7:00 p.m. on days preceding the normal pickup days designated by the director of solid waste, place the container or containers at the location established by the director of solid waste for pickup. The owner, occupant, tenant, or lessee shall be responsible for placing the container or containers at the location established, prior to pickup time on the day of pickup. Containers shall be removed from the location to the premises of the owner, occupant, tenant or lessee no later than 7:00 p.m. on the normal day of pickup, subject only to the exceptions hereinafter enumerated.

(d) Violation and penalties. It shall be unlawful to leave a container at the designated pickup station or any place on the street at any time other than allowed by ordinance. Any owner, occupant, tenant, or lessee having custody or control of the container who fails to remove the container from the location and place it back on the premises by the appropriate time shall be punished in accordance with section 1-6.

(e) The following are excepted from this section:

- (1) *Any person with documented disabilities, because of age or physical condition, living on premises where there is no resident or occupant thereof physically capable of placing the containers at the location established by the director of solid waste, shall notify the director of solid waste and, if the director of solid waste shall find that there is no one in or upon the premises on a regular basis physically capable of placing the container at the location previously designated, shall have the garbage, yard waste and refuse picked up at the place on the premises where the containers are maintained by the occupant.*
- (2) *The director of solid waste may establish exceptions for designated premises which he determines to be unsuitable for curbside pickup or for premises which do not permit a truck to drive onto the premises, taking into consideration the terrain features or other physical impediments, and at such premises, pickup service shall be provided to dwelling units as determined by the director of solid waste or, in the alternative, the occupant may be instructed to place only plastic, securely tied bags at a designated location on scheduled pickup days.*

(f) The wheeled containers furnished by Macon-Bibb County shall not be removed from the premises to which they are delivered and it shall be the duty of the occupant of the premises, in the event the dwelling is to be vacated by the occupant, to notify the director of solid waste at least three days prior to the vacancy.

(g) In the event a container previously furnished by Macon-Bibb County to any premises is damaged, destroyed or stolen, it shall be the duty of the owner or occupant of the premises to immediately notify the director of solid waste and also the county sheriff and to cooperate with said officials in investigating the cause of the damage, destruction or theft. Further, the owner or occupant shall, if requested to do so, appear in the appropriate court as a witness should a prosecution result from the investigation. Should the owner or occupant fail to so report or so cooperate, or should the director of solid waste, as a result of the investigation determine the damage, destruction, or theft was caused, or contributed to, by the negligence of the owner or occupant, then the cost of repair or replacement of the container, or \$45.00, whichever is less, shall be a charge against the owner and occupant; otherwise Macon-Bibb County shall repair or replace the container at no charge.

(h) It shall be the duty of the director of solid waste to deliver a wheeled cart to each of the occupied residential premises and to give appropriate notice to the occupant of each residential premises which shall designate the pickup location for the premises and the normal days of pickup, together with instructions as to delays of pickup caused by inclement weather or holidays.

Secs. 22-26—22-34. - Reserved.

Section 2.

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

Section 3.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter 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 Macon-Bibb County Commission 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 Macon-Bibb County Commission 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 the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

To the extent necessary, penalties in effect for violations of Chapter 1 of the Code of Ordinances, Macon-Bibb County, Georgia, at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 5.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 6.

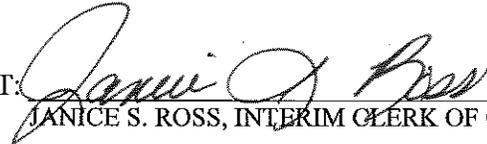
This Ordinance shall become effective immediately upon its approval by the Mayor.

SO ORDERED AND ORDAINED this 17 day of November, 2015.



ROBERT A.B. REICHERT, MAYOR

ATTEST:



JANICE S. ROSS, INTERIM CLERK OF COMMISSION

Routing/File Form

Document Type: Contract Deed Ordinance Resolution Grant Other
 (Check one of the above document types)

PURPOSE: AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO REVISE CHAPTER 22, ARTICLES I AND II, OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, GEORGIA, ENTITLED AND RELATED TO SOLID WASTE MANAGEMENT; AND FOR OTHER PURPOSES.

Annual Cost:

Total Contract Amount:

Administering Department or Officer:

Contractor(s):

Contract Start Date:

Contract End Date:

Funding Source(s): N/A

Automatic Renewals: YES NO

Number of Renewals:

	<u>Ordinance/Resolution</u>		<u>Contracts/Other</u>	
	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Reviewed By:				
Assistant County Attorney	RJR	11/5/15		
County Attorney				
Department Head				
Finance Director				
County Manager	[Signature]	11/5/15		
Mayor	[Signature]	11/5/2015		
Clerk of Commission				
Grants Director				
Commission Approval (if applicable)				

Additional comments, instructions, etc.:

ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.

SPONSORED BY

Robert A. B. Reichert
Robert A.B. Reichert, Mayor



AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO REVISE CHAPTER 22, ARTICLES I AND II, OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY, GEORGIA, ENTITLED AND RELATED TO SOLID WASTE MANAGEMENT; AND FOR OTHER PURPOSES.

VOTE

COMMITTEE REPORT

Yes No

<i>[Signature]</i>		
<i>W. Scott Shepherd</i>	✓	
<i>Diane Davis</i>	✓	
<i>Lane Arroyo</i>	✓	

Yes No Abstain Absent

Bechtel	✓			
Schlesinger	✓			
Lucas	✓			
Jones	✓			
Bivins		✓		
DeFore	✓			
Shepherd				✓
Watkins	✓			
Tillman	✓			
Mayor Reichert	✓			
Total:				

ACTION TAKEN AND DATE:

RECOMMEND: _____

(Approved/Disapproved/Approved as Amended)

November 10, 2015
Date

Referred to the Committee on _____

Date: _____

REPORT

Rendered *November 17, 2015*
and *approved*

APPROVED AS TO FORM BY COUNTY ATTORNEY

[Signature]
Reginald McClendon
Assistant County Attorney