

## **AN ORDINANCE**

**AN ORDINANCE ADOPTED TO AMEND THE DACULA MUNICIPAL CODE FOR THE CITY OF DACULA BY ADOPTING CHAPTER 22 SOLID WASTE; TO PROVIDE FOR AN EFFECTIVE DATE, TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the City as adopted a comprehensive Solid Waste Ordinance to make provision for the collection and disposition of Solid Waste within the City in accordance with applicable laws; and

WHEREAS, it is necessary and desirable to change the method by which recycling and recovered materials are collected within the City; and

WHEREAS, it is also necessary and desirable to make provision for the safe and orderly collection of solid waste from townhome and multi-family developments; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City to amend the Solid Waste Ordinance as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Code of Ordinances be amended by deleting the existing Chapter 22, Solid Waste and substituting the following in its place:

### **SECTION 1.**

#### **CHAPTER 22 – SOLID WASTE**

##### **Sec. 22-1. - Definitions.**

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

*Ashes* means and includes the waste products from coal, wood and other fuels used for cooking and heating from all public and private residences and establishments.

*Building rubbish* means waste material resulting from construction, remodeling, repairs and demolition operations on houses, commercial buildings and other structures, including driveways and walkways, and it comprises waste and rejected matter, such as excavated earth, stones, bricks, plaster, wallpaper, sheetrock and lathes, lumber, shingles, tile, concrete and waste parts occasioned by the installation or replacement of plumbing, heating systems, electrical work and roofing.

*Bulk Items* means mattresses, box springs, treadmills, ellipticals, dressers, bedside tables, sofas, loveseats, chairs, grills, tables, outdoor dining and leisure furniture, refrigerators, freezers, washers, dryers, hot water heaters, stoves, dishwashers, synthetic Christmas trees and the like. The following items cannot be disposed of by the City of Dacula and are therefore not considered bulk items within this definition; televisions, computers, carpet, construction debris, toilets and other similar porcelain bathroom fixtures, tires, and live Christmas trees. The suitability of requests involving undefined materials shall be interpreted by the City Administrator or his or her designee.

*City Administrator* means the City Administrator or any person designated by the City Administrator to perform such duties as required under this chapter.

*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.

*Garbage* means waste accumulation of animal or vegetable matter used for or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables.

*Industrial waste* means solid waste materials from factories, processing plants, wholesale establishments, assembling food processing wastes, cinders and ashes, lumber scraps, sawdust, excelsior, shavings, floor sweepings, metal scrap and shavings, glass and other waste products.

*Junk* means old, discarded or abandoned articles that are considered useless or of little or no value.

*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 "municipal solid waste" 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 disposal 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.

*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.

*Recycling* means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials, intermediates, or products which can be used as a substitute for products not derived by such processes.

*Rubbish* means a variety of combustible and noncombustible waste not subject to rapid decomposition derived from places of residence, commercial areas and institutions and shall include paper, rags, plastics, cartons, boxes, cans, bottles, glass, crockery, excelsior, rubber, discarded clothing and similar materials.

*Scavenge* means uncontrolled picking from discarded solid waste materials.

*Solid waste* means putrescible and nonputrescible waste, except human body waste, and includes garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue incineration, food processing wastes, demolition wastes, construction wastes and any other wastes in a solid or semisolid state, not otherwise defined in this section.

*Standard container* means and includes a durable, rust-resistant, nonabsorbent, rodent-proof, watertight plastic or metal container with handles or bails, having a tight-fitting cover, and having no more than a 95-gallon capacity.

*Waste* means unwanted or discarded material, except human body waste.

*Yard rubbish* means tree branches, stumps, twigs, grass and shrub trimmings, bushes, weeds, leaves and general yard and garden waste materials and includes stone and dirt rakings and any waste materials resulting from landscaping.

*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. 22-2. - Use of City's collection service required.

- (a) Residential sanitation services shall be provided by the City and/or by an independent contractor approved and instituted by the City.
- (b) It is unlawful for any resident of the City to utilize residential trash pickup services with anyone other than the City or the City's designated residential trash hauler.

Sec. 22-3. - Waste acceptable and unacceptable for collection.

- (a) Residential garbage and rubbish constitute waste acceptable for collection by the City.
- (b) The following items constitute waste unacceptable for collection by the City:
  - (1) Dangerous materials or substances such as poisons, acids, caustics and explosives;
  - (2) Building rubbish;

- (3) Ashes;
  - (4) Automobile and motor vehicle tires;
  - (5) Paint;
  - (6) Batteries; and
  - (7) Grass clippings and other un-chippable organics.
  - (8) All other solid waste not specifically authorized herein.
- (c) Any person responsible for waste not acceptable for collection by the City shall make any arrangements as may be necessary for the collection and disposal of the unacceptable waste.

Sec. 22-4. - Preparation and storage of acceptable waste.

- (a) The owner or occupant of each residence shall store acceptable waste in standard containers which shall be provided by the owner, occupant, or City at a predetermined rate and which shall at all times be maintained in a good state of repair. Each owner or occupant shall prevent the continued, excessive and unsightly accumulation of waste upon the property occupied by him or her. Plastic 95-gallon garbage containers shall be provided by the City at a predetermined rate to be used for the disposal of acceptable waste. No household waste shall be placed for pickup except in approved trash receptacles provided by the City of Dacula.
- (b) Any acceptable waste that cannot be placed in standard containers shall be broken down and tied securely in bundles no larger than 36 inches square and placed alongside the standard containers for collection.
- (c) Residents shall not deposit their garbage in a business garbage collection site.

Sec. 22-5. - Items for collection; preparation and placement.

- (a) A maximum of two City Approved garbage receptacles shall be placed at curbside by the resident.
- (b) Leaves shall be placed at the street curb for removal by the Maintenance Department. Leaf pickup shall be scheduled at City Hall.
- (c) Fallen limbs, trees, cut limbs, cut trees and brush shall be cut by the property owner into lengths of not more than four feet with a six inch diameter. Cuttings shall be placed as near as possible to the street or sidewalk right-of-way adjacent to the property owner's property but not so as to encroach into the street or block the sidewalk. At no time shall trash be placed in gutters, drains, walkways, alleys, or streets of the City. Chipping service shall be scheduled at City Hall.

- (d) An owner or occupant wishing to dispose of large bulky items, such as appliances or furniture, shall notify City Hall and arrange a collection day. Fees for such special pickup shall be fixed from time to time by the Mayor and City Council.

**Sec. 22-6. – Commercial, townhome development, multifamily community, and apartment complex collections.**

Collection of solid waste, recycling, and recovered materials from townhome developments, multifamily communities, apartment complexes, commercial businesses, and professional and industrial establishments, shall be arranged by agreement between those establishments and a franchised contractor unless a special agreement has been made with the City. Commercial businesses utilizing City sanitation service shall be limited to six 95-gallon garbage containers provided by the City at a predetermined rate. Commercial sanitation pickup will be subject to an increased rate schedule from residential service as determined by the Mayor and City Council.

**Sec. 22-7. - Unauthorized accumulation of solid waste; nuisance.**

Any unauthorized accumulation of solid waste on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within a reasonable time as may be fixed by written notice from the City shall be deemed a violation of this Code.

**Sec. 22-8. - Scavenging.**

No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, as well as any other items discarded for collection or remove any container from the location where the container has been placed by the owner thereof, except with express permission of the property owner.

**Sec. 22-9. - Open burning.**

Burning inside the City is regulated by the state environmental protection division and the county fire and emergency services fire regulations. Open burning is only authorized and permitted on days approved by the Gwinnett County Fire and Emergency Services (678) 518-4979.

**Sec. 22-10. - Rubbish from building operations.**

No building debris, such as plaster, roofing, concrete, brickbats, carpet and carpet padding, or other rubbish, resulting from repairs, remodeling or construction of any building on private property, shall be deposited upon any public street, alley or sidewalk, or on any lot other than the site of construction. The owner of the premises or the contractor, builder or the person doing the

repairs, remodeling or construction, shall be required to haul away and dispose of all such debris, including stumps, trees and limbs.

Sec. 22-11. - Bringing garbage into City by nonresidents prohibited.

No nonresident shall bring solid waste into the City for disposal.

Sec. 22-12. - Disposition of offal or dead animals within City prohibited.

No person shall deposit offal or dead animals at any place within the City.

Sec. 22-13. - Junked vehicles and appliances unlawful.

- (a) In order to eliminate unsightly, unhealthy or dangerous situations, and in order to protect property values and to enhance the beauty of the City, it shall be unlawful for any person to own, rent, lease or be in possession of any premises, dwelling, dwelling unit or other structure, place or vacant lot wherein are kept dilapidated furniture, appliances, machinery or equipment, including automobiles, which are in either a wholly or partially wrecked, junked, dismantled or inoperative condition, which do not have a valid license plate attached and which are not completely enclosed within a building.
- (b) Should the City Marshals Office determine that any person is violating the terms of this section, the Marshal shall give the offending party ten days' notice within which to eliminate the unsightly, unhealthy or dangerous situation. This notice shall be in writing and shall be a prerequisite to the bringing of charges against any offender. Should the person to whom the notice is directed fail to comply, the City Marshal shall be authorized to proceed with the bringing of charges as for the violation of any City ordinance. Each day the unsightly, unhealthy or dangerous situation exists shall be deemed a separate offense.
- (c) Furniture, appliances, machinery or equipment, including automobiles, as hereinabove defined, which remain on the same property for a period of 30 days after either a plea or a finding of guilty shall be presumed to be abandoned and subject to court sanction.

Sec. 22-14. - Dumping of solid waste.

- (a) No persons shall dump, drop, place or deposit any waste paper, trash, garbage, junk or any other such solid waste on any public or private property, street or sidewalk within the City.
- (b) Should any such trash or refuse be found dumped or discarded which has identification of any person found therein, that person shall be presumed responsible for the dumping in violation of this section, and, upon conviction, shall be punished as provided in section 1-23. In addition,

the person responsible shall be made to remove the solid waste from any public or private property.

**Sec. 22-15. - Contract with independent contractor.**

- (a) In order for the City to provide adequate service to the citizens of the City for collection, removal and disposal of refuse accumulated, it may become necessary for the City to enter into contract with an independent contractor for such services. In such an event, any contract entered into shall be required to meet the standards and regulations of this chapter; provided, however, that the independent contractor shall have the right to offer specific services to all commercial or industrial customers which may involve specialized trucks, compactors, machinery or handling.
- (b) The City shall have the right to enter into a contract with an independent contractor for the purpose of providing adequate collection, removal and disposal of any and all refuse generated by the citizens of this City.

**Sec. 22-16. - Contract price.**

The Mayor and City Council is authorized to negotiate with an independent contractor the terms, conditions and consideration to be paid for the services sought under such a contract; and it shall be presumed that any consideration agreed upon between the City and such independent contractor shall be in the best interest and welfare of the citizens of the City.

**Sec. 22-17. - Time of collection.**

Collection of refuse and recycling from private residences shall be made utilizing a schedule predetermined by the Mayor and City Council.

**Sec. 22-18. - Notification for collection.**

- (a) All occupants, persons in possession, charge or control of residential premises and places in or upon which refuse is created, accumulated or produced shall notify the City Administrator or his/her designee that collection of refuse from such places is required.
- (b) In the event the City enters into contract with an independent contractor, the independent contractor shall notify the citizens of this City of the change in collection procedure and furnish the citizens of this City with sufficient information for notifying the independent contractor or other of the citizens' collection needs.

Sec. 22-19. - Collection and disposal of refuse other than by City.

- (a) Refuse which is deposited in refuse containers or separate containers and not collected by the City will be collected and disposed of by the independent contractor. All vehicles used to transport refuse shall be provided with equipment to prevent refuse from blowing out of, falling from or otherwise escaping from such vehicle.
- (b) The independent contractor shall comply with all applicable rules and regulations of this chapter.

Sec. 22-20. - Payment of fees.

- (a) Yearly sanitation fees are placed on the County property tax bills. All fees are to be paid to the County who will, in turn, distribute the sanitation funds back to the City. The following rules and requirements shall apply:
  - (1) The property owners of all properties with a residential structure are responsible for the sanitation fee.
  - (2) The sanitation fee is required on properties with vacant residential dwellings as well.
  - (3) A property owner is responsible for sanitation fees once a certificate of occupancy (CO) has been issued on a new or renovated structure.
  - (4) Sanitation fees are charged based on housing units, not owners.
  - (5) Any nonresidential property (office, institutional, or commercial) that utilizes City sanitation services shall be responsible for a yearly fee to be determined by the Mayor and City Council.
- (b) This collection process is based upon a contractual agreement between the City and the Tax Commissioner's office as approved by the Mayor and City Council.

Sec. 22-21. - Fee for removal of excess refuse.

- (a) The City reserves the right to charge for the removal of excess refuse, which fee shall be quoted in advance.
- (b) All garbage and rubbish removed, as defined in section 22-1, will not be subject to additional fees. All other excess trash removed will be assessed a fee according to a fee schedule determined from time to time as determined by the Mayor and City Council:
  - (1) Removing appliances.
  - (2) Loading trash and/or organic debris (leaves, brush and limbs).



(3) Wood chipping service.

(4) Bulk Item Pickup

Estimated charges will be paid at City Hall prior to work being completed. No refunds will be issued for chipping or bulk item pickup once payment has been made.

Sec. 22-22. - Placement and disposal of yard trimmings; prohibitions.

(a) It is unlawful to place or mix yard trimmings with municipal solid waste within the City.

(b) No yard trimmings shall be placed in public thoroughfares.

Sec. 22-23. - Sorting, storing and collecting yard trimmings.

Yard trimmings shall be sorted and stored in the following manner:

(1) Chipping woody material on the site where such material was generated;

(2) Collecting yard trimmings and transporting them to another site to be chipped or composted for later use; and

(3) Chipping woody material for later use as fiber fuel.

Sec. 22-24. - Administration and enforcement of chapter.

The Dacula Marshal's Office shall be responsible for the administration and enforcement of the provisions of this chapter.

Sec. 22-25. - Violation; penalty.

Any person convicted of violating any of the provisions of this chapter shall be required to correct the offensive condition and, in addition, shall be punished as provided in section 1-23. Failure to correct the violation within ten days of notice by the court to do so shall be considered a new violation.

## SECTION 2.

Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3.

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4.

This ordinance shall become effective immediately upon its adopting by the Mayor and Council of the City of Dacula, Georgia.

AND IT IS SO ORDAINED by the governing authority of the City of Dacula, this 5<sup>th</sup> day of November, 2020.

AYES: 4

NAYES: 0

ATTEST:

  
\_\_\_\_\_  
HUGH D. KING, III, MAYOR

  
\_\_\_\_\_  
JOEY MURPHY, CITY ADMINISTRATOR