

Chapter 78

SOLID WASTE*

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ARTICLE I. IN GENERAL

Sec. 78-1. 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:

Building materials means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel, scrap lumber, sheet metal or other substances used in repairs or alterations of existing buildings, construction of new buildings or demolition of existing buildings.

Commercial Solid Waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities as defined in O.C.G.A. 12-8-22(4.1).

City means City of Flovilla, Georgia.

County means the governing authority of Butts County, Georgia, or the geographical area of the county, except that for the purposes of article II of this chapter it means the geographical area outside the corporate limits of any incorporated municipality therein.

Disposal Facility means any facility or location where the final deposition of solid waste occurs and includes but is not limited to land-filling and solid waste thermal treatment technology facilities as defined in O.C.G.A. 12-8-22(8).

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

Dumpster means a bulk container used for the collection of garbage, refuse, trash and litter. The use of this term is generic, and does not refer to a bulk container manufactured by a specific manufacturer.

Dumpster monitor means the person authorized by the city council to inspect and patrol the areas where dumpsters are located in the city, and the roads or streets of the city, and who are responsible for enforcing this chapter. Dumpster monitors shall be authorized by the city council to issue citations to violators of this chapter.

Garbage means the byproducts of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

Garbage bag means a plastic (or other similar nonporous material) bag or sack designed specifically to contain garbage or household trash in a secure airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Hazardous refuse means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

Industrial Solid Waste shall mean waste generated by manufacturing or industrial processes or operations. Such waste includes, but is not limited to, fertilizer, agricultural chemicals, food and food related products and other by-products as defined in O.C.G.A. 12-8-22(12.1).

Inert Waste shall mean 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 above (Section 391-3-4.06 of the Georgia Rules for Solid Waste Management).

Junked vehicles means any wrecked or inoperable automobile, truck or other vehicle, or vehicle which does not bear a current license plate.

Landfill means any facility where any treatment, utilization, processing, storage or depositing of solid waste occurs.

Litter means all garbage, refuse, waste materials, sand or dirt, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this chapter and any discarded materials of every kind as defined in O.C.G.A. 16-7-42(1).

Municipal Solid Waste shall mean any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes commercial solid waste, but does not include solid waste from mining, agricultural, or industrial processes or operations as defined in O.C.G.A. 12-8-22(18).

Open Dump or Dump Site means a disposal site, location or 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 as defined in Section 391-3-4-01(44) of the Georgia Rules for Solid Waste Management.

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

O.C.G.A. 16-7-42(2).

Recovered Materials shall mean those materials which have known use, reuse, or recycling potential and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling as defined in O.C.G.A. 12-8-22(25).

Recovered Materials Processing Facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials as defined in O.C.G.A. 12-8-22(26).

Road or street means terms which are mutually inclusive, and shall likewise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.

Rubbish means wastepaper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material and similar material.

Scavenge or *scavenging* means any unauthorized or uncontrolled retrieval of discard refuse materials.

Scrap Tire shall mean a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect, or one that cannot be retreaded or otherwise recycled O.C.G.A. 12-8-22(31).

Scrap Tire Generator shall mean any person who generates scrap tires as defined in Section 391-3-4-19 (2.1) of the Georgia Rules of Solid Waste Management.

Scrap Tire Carrier shall mean any person engaged in picking up or transporting scrap tires not otherwise exempted under Section 391-3-4-19 (5.g) for the purpose of removal to a scrap tire processor, end user, or disposal facility O.C.G.A. 12-8-22 (32).

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 in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product materials as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923) O.C.G.A. 12-8-22 (33).

Solid Waste Handling means the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination of such activities. O.C.G.A. 12-8-22 (34).

Tire Retailer shall mean any person engaged in the business of selling new, retreaded or use replacement tires O.C.G.A. 12-8-22 (39).

Person is any individual, firm, partnership, association, corporation, company, group, entity or organization of any kind.

Waste shall mean all discarded substances and materials whatsoever exceeding ten pounds (10lbs) in weight or fifteen cubic feet (15 ft³.) in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste (as that term is defined in O.C.G.A. Section 12-8-62), or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal bi-products classified by DNR, “waste” includes without limitation, bottles, boxes, containers, papers, tobacco products, tires, dead animals including their bedding and other wastes from such animals, 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, including household, commercial, construction and demolition waste, or industrial solid waste which is nonhazardous, nonmedical, and in a form classified as solid waste by the Georgia Department of Natural Resources O.C.G.A. 16-7-51.

Sec. 78-2. Abandoned motor vehicles.

It shall be unlawful to abandon any motor vehicle as provided in O.C.G.A. § 40-11-1. Any motor vehicle abandoned within the city shall be disposed of by the proper authorities as provided in O.C.G.A. § 40-11-1 et seq.

Sec. 78-3. Enforcing officer.

The person employed by the city to serve as its landfill supervisor, or similarly titled position, shall serve as the city council’s official designee and shall be responsible for overseeing all matters relating to enforcement of this chapter.

Sec. 78-4. Dumpster monitors.

(a) The persons holding the following positions with the city shall, by virtue of their employment positions with the city, be fully authorized and shall serve as dumpster monitors under the supervision of the designee named in section 78-3; the county sheriff and his lawful deputies; the chief of the county police department and his lawful deputies; any city employee designated in writing by the landfill supervisor to serve as a dumpster monitor; and such other employees as may be named by appropriate resolution of the city council. Such dumpster monitors shall patrol, inspect and monitor dumpster sites throughout the city to ensure compliance with this chapter and shall monitor all areas of the city for other violations of this chapter.

(b) The designate of the city council and the dumpster monitors shall be authorized to issue citations to violators of any provision of this chapter or to the owner or any other person who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this chapter. Such citation shall be on a form approved for such use by the city council and shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the county who

completes and serves it.

Sec. 78-5. Penalty for violation of chapter.

Any person violating the terms of this Ordinance shall be punished in Magistrate Court by a fee not to exceed *one thousand dollars* (\$1000.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.

Sec. 78-6. Additional remedies.

(a) In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from a public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.

(b) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

(c) The city council shall offer a reward of \$200.00 to any person who provides them with information that leads to the conviction of any person violating section 78-42 or 78-43.

(d) The court may publish the names of persons convicted or violating this chapter.

Sec. 78-7. Arrest for failure to appear for trial.

No person accused of violating this chapter shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate, and required to post a bond for his future appearance.

Sec. 78-8. Court proceedings.

(a) Violations of this chapter shall be tried upon citations and may be tried with or without a prosecuting attorney as well as upon accusations. The city attorney shall serve as prosecuting attorney.

(b) Violations of this chapter shall be tried in the county magistrate court, and shall be tried in accordance with O.C.G.A. § 15-10-1 et seq.

(c) Nothing in this article shall prevent the city council from bringing any civil action for injunction, mandamus or other proceedings to present, correct or abate any violation of this chapter. No sanction, penalty or remedy prescribed in this article shall be considered exclusive of any other remedy, but shall be available in addition to any other sanction, penalty or remedy by law.

- (d) Each violation of this chapter shall constitute a separate offense.

Secs. 78-9--78-40. Reserved.

ARTICLE II. LITTER CONTROL*

Sec. 78-41. Dumping prohibited; exceptions.

(a) *Exceptions enumerated.* It shall be unlawful for any person to dump, deposit, throw or leave or cause to permit the dumping, depositing, placing, throwing or leaving of litter on any road or street or any public or private property in the city, unless:

- (1) The property is designated by the state or city or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property.
- (2) The litter is placed into a litter receptacle, container or dumpster installed on such property and designated for the disposal of litter.
- (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare and with the provisions of this chapter.

(b) *Public streets and private property.* No person shall place any accumulations of refuse and trash in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent of the owner, and then only in accordance with the provisions of this chapter.

(c) *Blockage or drainage.* No person shall place any refuse, trash, refuse receptacles or containers on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.

(d) *Unauthorized storage.* Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this chapter, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the city council or their designee shall raise the presumption that such person intended to violate this chapter.

(e) *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children, any appliance, refrigerator or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door. This section shall not apply to any appliances, refrigerators or containers which have been placed on or adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

- (f) *Use of streets.* It shall be unlawful for any vehicle transporting loose materials on any road

or street to transport such materials without suitable covers securely fastened to the vehicle. This subsection shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock.

Sec. 78-42. Public dumpsters.

(a) The city council shall designate areas in the city where dumpsters, intended to be for public use, shall be located and maintained. These dumpsters shall be located on public property, along the right-of-way of public roads or streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.

(b) It shall be unlawful for anyone to deposit anything other than garbage or household trash in the dumpsters. Any garbage or household trash must be deposited inside the dumpsters.

(c) It shall be unlawful for any person not a resident of the city to place or deposit any garbage, refuse, litter, household trash or other material of any kind in these dumpsters. The dumpsters shall carry a placard or sign stating that they are solely intended for the use of residents of the city, and that it is unlawful to deposit anything other than garbage or household trash therein.

(d) It shall be unlawful to place or deposit industrial waste or building materials in these dumpsters unless they are specifically designated for such use by the city council or their designee.

(e) It shall be unlawful to place or deposit any hazardous refuse of any kind in the dumpsters.

(f) It shall be unlawful for any person to dispose of or discard any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

(g) It shall be unlawful to dispose of ashes in the dumpsters.

(h) No highly combustible liquid shall be placed or deposited in the dumpsters.

(i) No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the city, or which could contaminate the groundwater or surface water of the city, or which would pose a danger to the wildlife of the city, shall be placed or deposited in the dumpsters.

(j) It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the dumpsters or in any location other than the dumpsters. Any person using the dumpsters shall clean up any spills caused by his use of the dumpsters and shall not drop or discard any garbage or household trash in the area surrounding the dumpsters.

(k) It shall be unlawful to place or deposit any garbage, household trash, building materials, hazardous

refuse, industrial waste, junked vehicles or any parts of a vehicle, litter or rubbish beside or near a dumpster.

(l) Any person using the dumpsters shall immediately clean up any spills caused by his use of the dumpsters.

(m) It shall be unlawful for anyone to deface or intentionally cause damage to a dumpster.

(n) Dead animals shall not be placed or deposited in the dumpsters.

Sec. 78-43. Scavenging.

It shall be unlawful for any person to scavenge, disturb, or in any way interfere with the contents of any public dumpster or any public landfill or public waste disposal area.

Sec. 78-44. Private litter control.

(a) Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide litter containers of that character, size, number and type as may be specified by the city council or their designee to be reasonably required to hold litter generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges or churches.

(b) Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the city council or their designee to contain the litter generated by the operations of that parking lot.

(c) The owner, occupant and lessee of all property, jointly and severally, are required to remove all litter and place the same in proper containers, and vacant lots, borders, parking lots, embankments, fences, walls and sidewalks shall be kept free of litter by those persons. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

Secs. 78-45--78-75. Reserved.

ARTICLE III. SOLID WASTE AND SCRAP TIRE MANAGEMENT

Sec. 78-76. Private collection.

It shall be unlawful for any person to collect refuse within the city, except from his own residence, business or industrial plant, without first having obtained a proper permit as may be required from the state department of natural resources.

Sec. 78-77. Private landfills.

(a) *Permit required.* It shall be unlawful for any person to operate a landfill, waste disposal area or waste storage area intended to be used or used by others for the disposal or storage of waste without first having obtained a proper permit as may be required from the state department of natural resources and a proper permit from the city.

(b) *Permit issuance requirements.* No permit shall be issued by the city until the applicant has shown, to the satisfaction of the city council, that all federal, state and city laws, rules, regulations, ordinances and resolutions will be complied with in the operation and management of the landfill, waste disposal area or waste storage area.

(c) *Permit issued by city council resolution.* No permit for the operation of a landfill shall be issued except by resolution of the city council.

- (1) Before making its decision, the council shall hold a public hearing on the application for a landfill permit. The city council shall cause to be published in the newspaper used as the official legal organ of Butts County a notice of the hearing stating the date, time, place and purpose of the hearing. This notice shall be published once a week for two consecutive weeks and the date of the first publication must be at least 15 days prior to the date of the hearing. A copy of said notice shall be sent to the applicant by U.S. mail to his last known address. The applicant will be provided reasonable time to make a presentation at the hearing prior to the board hearing the statements and comments of the public.
- (2) The form of the application shall be as prescribed by the mayor in consultation with the Solid Waste Management Authority of Butts County, Georgia.
- (3) In making its decision to grant or deny a permit, the council will consider whether the applicant proposes to import into City of Flovilla solid waste generated outside City of Flovilla (and if so, the council should consider those factors set forth in section 78-111(g)); the benefits of and need for the proposed landfill; any depreciating effects and damage to the neighboring properties associated with the landfill; any negative impacts of the landfill on public infrastructure and services; and the extent to which the benefits of and need for the proposed landfill may outweigh the possible negative impacts on public infrastructure and services and the possible depreciating effects and damages to the neighboring properties.
- (4) Site to be kept in orderly condition. It shall be the duty and responsibility of the owner of any landfill, waste disposal area or waste storage area to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- (5) Inspecting officer. The city council shall designate a person who shall have the right to enter any landfill, waste disposal area or waste storage area during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this article and all other pertinent laws and regulations of the city.

Sec. 78-78. Transportation of solid waste across county line.

As required in O.C.G.A. § 36-1-16, no garbage, trash, waste or refuse shall be transported across the county line without first obtaining permission from the city council. In deciding whether to grant or deny permission, the city council shall hold a public hearing as set forth in section 78-77(c)(1), and the city council shall, in addition, consider those factors set forth in section 78-77(c)(1) and section 78-111(g) as well as any other relevant federal, state and local laws, rules and regulations.

Sec. 78-79. Use of sites in adjoining counties.

As set forth in O.C.G.A. § 12-8-25, the express approval of the city council is required as a condition to the issuance of a permit for a solid waste disposal facility in an adjoining county where any part of the facility site is within one-half mile of the Butts County line. In deciding whether to grant or deny approval, the city council shall hold a public hearing as set forth in section 78-77(c)(1), and the board shall, in addition, consider those factors set forth in section 78-77(c)(1) and section 78-111(g), as well as any other relevant federal, state and local laws, rules and regulations.
(Ord. of 6-6-1994, § 5)

SECTION 78-80. Waste Disposal – General.

- A. The owner or occupant of any premises shall be responsible for the sanitary handling and disposing of all litter, scrap tires, and municipal, commercial or industrial solid waste on the premises used or occupied by such person.
- B. It shall be unlawful to dump, open dump, or permit the dumping of litter, scrap tires, municipal, commercial, or industrial solid waste or recyclables at any place in City of Flovilla including, and without limitations, any public or private property in the City or any waters in City of Flovilla unless such litter or waste originates in City of Flovilla or other areas authorized by the City of Flovilla City Council AND:
 - 1. The property is designated by the City Council or the duly designated agent for the disposal of letter, municipal, commercial or industrial solid waste, scrap tires or recovered materials and the person is authorized to use such property.
 - 2. The litter, municipal, commercial or industrial solid waste, recyclables or scrap tires is placed into a receptacle or container installed specifically for such property: AND
 - 3. The property has a valid solid waste handling permit issued by EPD.
- C. It shall be unlawful for any person to dump or place waste unless authorized to do so by law or by a duly issued permit:
 - 1. In or on any public highways, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;

2. In or on any fresh water lake, river, canal, stream, or creek, or:
 3. In or on any public or private property unless such dumping will not adversely affect the public health and is not in violation of any other local, state or federal law, rule or regulation.
- D. All persons defined as scrap tire generators, scrap tire carriers, tire retailers shall be subject to rules as defined in Section 391-3-4-19 and handle scrap tires in accordance with the provisions of O.C.G.A. 12-8-20. et. Seq. and the Rules for Solid Waste Management. Chapter 391-33-4, 392-3-4.19 applicable to solid waste and tires.

SECTION 78-81. Transporting Solid Waste and Litter.

- A. It shall be unlawful to drive or operate a vehicle in City of Flovilla hauling municipal, commercial, or industrial solid waste that leaks, flows freely or spills from said vehicle.
- B. No person shall drive or move any truck or other vehicle within the county unless such truck or other vehicle is so constructed or loaded and secured so as to prevent any load, contents or litter from being blown, scattered or in any manner deposited in or upon any street, sidewalk, or other public place or upon private property within the county. Any litter or municipal, commercial, or industrial solid waste hauled on a moving vehicle shall be covered in such a manner that litter will not blow or escape from said vehicle while moving or parked on public or private property in City of Flovilla. However, this section shall not prohibit the necessary and permitted spreading of any substance in public road maintenance or public road construction operations.
- C. It shall be unlawful for a business or private person(s) engaged in waste hauling or transportation for hire from businesses or private residences to a County landfill or lawfully permitted dump site to dispose of materials as solid waste that have been intentionally sorted as recyclables by the business or private residence customers, rather than placing the materials in the location designated by the City or appropriate authority for said recyclables.
- D. It shall be unlawful for any person to drive or move any truck or other vehicle within the city, the wheels or tires of which carry unto or deposit in or upon any street, sidewalk, or other public place or upon private property within the city, mud, dirt, sticky substance, litter or foreign matter of any kind.

SECTION 78-82. Regulation of all Solid Waste or Litter Containers and Receptacles.

- A. All solid waste or litter containers or receptacles shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for solid waste and litter disposal.
- B. Persons using solid waste and litter containers or receptacles shall deposit only authorized solid waste and refuse in the container or receptacle.
- C. No person shall deposit a scrap tire in any container or receptacle unless authorized by the owner of the receptacle or the City of Flovilla City council or his or her designee.

- D. No person shall deposit any burning or smoldering material in such container or receptacle.
- E. No person shall set fire to the contents of any such container or receptacle.
- F. No person shall deposit large non-compatible articles in containers or receptacles such as, but not limited to, stoves, refrigerators, bed springs, automobile parts, boat parts, large tree limbs or air conditioning units, except containers or receptacles designated for that purpose only.
- G. No person shall deposit any flammable or explosive materials in any such container or receptacle.
- H. No dead animals, livestock or poultry shall be deposited in any such container or receptacle, except receptacles designed for such purpose and so designated by the City of Flovilla City Council.
- I. No person shall willfully damage or alter the location of any such container or receptacle without the written consent of the City Council.
- J. No salvage or scavenging operations shall be conducted in or around such containers or receptacles except by written consent of the City Council.
- K. No person shall deposit any solid waste at a city/county solid waste collection and recycling center unless such solid waste is contained in such a manner that it can be handled by the attendant. Solid waste shall be deposited only during the official hours of operation, unless express written permission is given by the City Council or designee.
- L. No person shall deposit solid waste, water or litter of any kind at any city/county solid waste collection and recycling center into city/county owned receptacles or containers designated for the collection of recovered materials. Only authorized materials such as a glass, aluminum, newspaper, cardboard, plastic, and tin or other accepted material may be deposited in the appropriate container designated for said material.

SECTION 78-83. Regulation of Municipal Solid Waste Landfills, Inert Landfills, Construction and Demolition Landfills, and Solid Waste Collection and Recycling Centers.

- A. No landfill shall be operated in City of Flovilla, Georgia other than a landfill designated by the City Council as the city landfill, and no private municipal solid waste landfill shall be operated in City of Flovilla, Georgia without a solid waste handling permit issued by the Georgia Environmental Protection Division, with the exception of inert construction and demolition landfills having been properly permitted as such by the Georgia DNR/EPD.
- B. It shall be unlawful for any person to deposit solid waste of any kind outside the gate of a solid waste collection and recycling center.
- C. No scavenging operation of any kind shall be allowed at a solid waste collection and recycling center, without express written permission from the City Council.

- D. No person shall move, remove, or cross any fence, gate, barrier, or sign at a solid waste and recycling center.
- E. Price on solid waste brought to said center will be set to defray total cost of solid waste and recycling operations.
- F. Hours of operation of said centers will be set to maximize convenience to residents of that area.
- G. All recovered materials (recyclables) brought to collection centers will be accepted free of charge. No contaminated material will be accepted.
- H. Attendant on duty will have full authority of said center consistent with this ordinance.
- I. All rules listed above shall apply to all public and/or private property in said City, all waters and/or waterways of City of Flovilla, and all City of Flovilla Solid Waste Collection and Recycling Centers.

SECTION 78-84. Accumulation:

- A. No owner or occupant of any such property shall bury or burn litter or waste without prior authorization and written permission from the City Council or applicable regulatory agency, including but not limited to, the Environmental Protection Agency, Environmental Protection Division and/or the Georgia Forestry Service. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.
- B. No owner or occupant of any property shall allow the accumulation, on his or her premises, of garbage, litter or waste where such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors.
- C. It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers used for the storage or dumping of litter or waste.
- D. The conduct described in Paragraphs (A) – (C) of this Section VI shall constitute a separate violation of the ordinance for each day the garbage or waste material remains or continues to unlawfully pollute, contaminate or burn on such premises.

SECTION 78-85. Violations and Penalties.

- A. Any person(s), firm, or corporation violating any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, in the Magistrate Court of Butts County, shall be punished as follows:

1. For the first offense: By a fine of not less than \$100.00 and not more than \$1,000.00 or up to 30 days imprisonment, or both. Each day the violation continues shall constitute a separate offense O.C.G.A. 16-7-43. However, this section shall not preclude the City from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the City to have both the civil and criminal rights of prosecution in this area:
 2. For the second or more offense(s): The violator shall be guilty of a misdemeanor of high and aggravated nature punishable by a fine of not less than \$750.00 and not more than \$1,000.00, or up to 60 days imprisonment, or both. Each day the violation continues shall constitute a separate offense, O.C.G.A. 16-7-53-B: and/or
- B. In the sound discretion of the Judge of the Court with jurisdiction, the offender(s) may also be directed to pick up and remove litter from any public streets or highways and/or other public right of way or private areas for a distance not to exceed one mile, any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution or sentence as provided in O.C.G.A. Section 16-7-43(b): and/or
- C. In the sound discretion of the Judge of the Court with jurisdiction, the person may be directed to pick up and remove litter from any public park, private right of way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter thereon, and all litter deposited thereon by anyone prior to the date of execution of sentence: and/or
- D. The Court may order the publication of the names and photographs of persons convicted of violating this ordinance: and/or
- E. The Court may order the violator to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation: and/or
- F. In the case of an improper garbage or waste disposal site, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this ordinance. City of Flovilla shall not be responsible for any costs of cleanup or remediation: and/or
- G. The expenses incurred by the City for cleanup, enforcement of violations and penalties shall be chargeable to the violator, including, but not limited to: court costs, filing fees, special investigations, mutual aid assistance from other agencies and other costs necessary for the reasonable enforcement of this ordinance.
- H. In addition to actions filed by City of Flovilla for violations of this ordinance, any State or Federal agency may independently file separate or concurrent charges within their respective applicable authority and seek conviction within a Court of competent jurisdiction.

SECTION 78-86. Enforcement.

- A. Enforcement of this ordinance shall be the responsibility of the City of Flovilla City Council, the Environmental Education and Enforcement Officer or His/Her designee, and/or the Butts County Sheriff's Office.
- B. Any person or persons authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to properly inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspection, the alleged violation of this ordinance must be visible from a public road or right of way, or upon said officer(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said officer(s) having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.
- C. Appeals for violation of this ordinance may be made to the Magistrate Court of Butts County, or higher Court if the offender so chooses. The offender always has the right to consult his/her attorney at any time before the hearing is scheduled for Court.

SECTION 78-87. Civil Remedies and Abatement of Nuisance.

- A. In the event that any person violates any provision of this ordinance, the City or other appropriate authority may, in addition to other remedies, institute an action for injunction, clean-up or stop work orders, mandamus, irreversible damage fines, lien on property or other appropriate action or proceeding to prevent such unlawful acts or to correct or abate any such violation O.C.G.A. 16-7-52, 16-7-53. In addition, the City may immediately revoke or suspend any and all business, building, development or any and all other City issued permits related to the property or properties involved with the violation until such time that compliance is met, or until the ruling of a Court of competent jurisdiction is obtained, at which time respective permits may be reissued.
- B. Upon finding evidence, a written Notice of Violation may be issued at the discretion of the enforcing officer(s) in lieu of a citation. In the absence of corrective action or in the event that a second violation occurs, the evidence constituting the Notice of Violation may be submitted as evidence for consideration as a first offense before a Court with competent jurisdiction and the pending case treated as a second offense by the Court as defined in Paragraph (A)(2) of Section VII of this Ordinance.
- C. If a person is found guilty of a violation of the provisions of this ordinance, the Court and/or the City Council may cause written notice to be given, or incorporate into the Court Order to the violator instructing that person to properly address any provision still remaining in violation of this ordinance for which said violator is convicted. Such notice shall be by personal service and in the event the violator cannot be so served, then by registered mail sent to the violators last known address.
- D. Upon failure, neglect or refusal of any person so notified to properly address said provisions within 20 days after receipt of notice as provided in this Section, the City council is hereby authorized and

empowered to cause the cleanup, removal or disposal of, including but not limited to, any litter, or any type of waste(s) as defined in this ordinance, dumped, deposited, thrown, or left on public or private property in violation of the ordinance on behalf of the City. The expenses incurred by the City shall be chargeable to the violator and a statement of the amount due for said expenses shall be sent by the City council and/or the Court by registered mail.

- E. When the full amount of such charges are not paid by the violator within 30 days after receipt of said statement as provided for in this Section, the City Council shall cause to be recorded in the Execution Docket a sworn statement showing the cost and expense incurred by the City, the dates of City action, the location of the property for which action was taken, and the name of the person to be charged for the expenses incurred. The recordation of such statement shall constitute a lien on the personal and real property of the person to be charged and shall remain in full force and effect until final payment is received in full, including accrued interest from the date of recording and any and all costs. Such amount as shall constitute final payment shall be subject to collection in the manner fixed by law for the collection of taxes.
- F. In the event that waste(s) or hazardous materials in a dump site cannot be removed from public or private property without causing further endangerment to the environment and/or public health, whether legal or illegal, caused with intent or by accident, acts of God or force of nature, or where a permit for such long-term or permanent disposal has been issued by the proper authority as defined in Section V of this Ordinance, the City may attach or otherwise affix an permanent addendum to the deed of real property wherein the dump site exists, stating the approximate size and location of the dump on the property and an approximate description of the materials contained therein, as well as the approximate dates such dumping occurred, to be recorded on the property plat as a fill area O.C.G.A. 12-8-30. The purpose of said attachment is to preserve the health and safety of current and future landowners and users of said properties, to promote the integrity of property description and values, and to record the location of said dump sites. The City's exercise of Paragraph (F) of this Section IX shall in no way be mandatory, and City of Flovilla or its agents shall not be held liable for exercise of action or inaction for implementation of this Paragraph (F), nor for the costs of such action or inaction. (Section 391-3-4-06 of the Georgia Rules of Solid Waste Management)
- G. This Section IX shall apply with full force and effect regardless of the provisions of any order of the Court in which the violator was convicted. This section should not be construed as an excuse for failure on the part of the violator to perform any cleanup ordered by the Court, nor shall it be considered as a mitigating factor in any contempt action against a violator who has failed to obey the order of the Court.

SECTION 78-88. Evidence of Violations.

- A. Whenever litter, or any type of waste(s) as defined in this ordinance, is thrown, deposited, dropped, or dumped by any person(s) or, from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima-facie evidence that said person(s) or the operator of the conveyance has violated this ordinance.
- B. Whenever any litter, or any type of waste(s) as defined in this ordinance, which is dumped, deposited, thrown, or left on public or private property in violation of the ordinance is discovered to

contain any article or articles, including, but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

SECTION 78-89. Yard Trimmings.

- A. Yard Trimmings shall not be placed in or mixed with solid waste. Yard trimmings shall not be disposed at any solid waste disposal facility having liners and leachate collection systems or requiring vertical expansion within the City. Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch or otherwise beneficially reused or recycled to the maximum extent feasible. Any yard trimmings to be collected by any entity other than the property owner shall be sorted and stored in such a manner as to facilitate collection, composting, or other handling.

SECTION 78-90. Recycling.

- A. The City of Flovilla City Council hereby finds that it is in the best interest of the citizens of City of Flovilla, in order to promote the health, safety, and welfare of the citizens of the City, to recycle as many waste materials as possible in order to reduce the accumulation of litter and garbage and solid waste materials which must be properly disposed of; therefore, it is the policy of the City of Flovilla City Council to encourage recycling whenever practicable.

SECTION 78-91. Severability.

- A. Should any sentence, section, subsection or provision of this Ordinance, or application of a provision of this Ordinance, be declared invalid or unconstitutional by any Court or other competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared as invalid or unconstitutional.

SECTION 78-92. Repeal of Conflicting Resolutions or Ordinances.

- A. Therefore, be it ordained that all conflicting resolutions, ordinances or sections of resolution, or resolutions in conflict with this Ordinance are hereby repealed.
- B. Be it further ordained that this ordinance shall take effect on the first day of the month after passage by the City of Flovilla City Council, and shall be enforced from and after such date, the public health and welfare demanding it.

Secs. 78-93--78-110. Reserved.

ARTICLE IV. PUBLIC LANDFILLS

DIVISION 1. GENERALLY

Sec. 78-111. General use regulations.

- (a) The city, through the city council, may operate and maintain public landfills located on city property and in compliance with all applicable state and federal laws and regulations.
- (b) Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location of the city sanitary landfill.
- (c) Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
- (d) The city council may restrict certain sites or portions thereof to specific types of refuse.
- (e) Commercial collectors, including yard maintenance men, may use the public designated sites. The city council may impose a fee for use of such sites as it deems necessary.
- (f) Residents of the city, other than commercial collectors, may use public sites in accordance with the regulations for the particular sites and under the instruction of the sites attendant. The city council may impose a fee for the use of such sites as it deems necessary.
- (g) No solid waste generated outside the county, may be accepted for disposal at a publicly owned or operated landfill within the city without the permission of the city council. In making its decision to grant or deny such permission, the city council may consider whether the proposed importation of solid waste is recommended and approved by the solid waste management authority of the city; whether it is consistent with the purposes of this article; whether the permission of the city council from which the solid waste is generated has been granted; the type of solid waste which is to be imported; the availability of space for disposal in the city and in the city in which the solid waste is generated; the degree to which such proposal contributes to the goal of waste reduction; the availability and expense of alternative waste disposal sites; the extent to which the proposal endangers residents and the environment from increased pollution and traffic; the extent to which such proposal ensures the continuing disposal capacity of the city; the potential expense involved for the city; the extent to which the proposal provides reciprocal disposal rights with the city in which the municipal solid waste is generated; and the extent to which any conditions and restrictions on the proposed importation of solid waste may be required.
- (h) Authorized public disposal sites shall be operated during the hours designated by the city council. During the hours designated by the city council or their designee, acceptable refuse generated in the county shall be received for disposal from any resident of the city.
- (i) No person shall enter a disposal site except when an attendant is present and during the hours and days prescribed by the city council. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the city.

Sec. 78-112. Prohibited item.

(a) No person, business concern, corporation, partnership or other legal entity shall deposit or dump in or upon the city/county public landfill any tires.

(b) Any person, business concern, corporation, partnership or other legal entity violating the terms of this Ordinance shall be punished in Magistrate Court by a fee not to exceed *one thousand dollars* (\$1000.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.

Sec. 78-113. Classification of refuse for disposal.

(a) *Domestic refuse.* The following types of refuse shall be classed as domestic refuse and shall be accepted for disposal:

- (1) Garbage.
- (2) Business trash.
- (3) Refuse.
- (4) Household trash.

(b) *Industrial waste.* The following types of waste shall be classified as industrial waste and shall not be accepted for disposal:

- (1) Toxic waste.
- (2) Hazardous refuse.

(c) *Building materials.* Building materials may be accepted for disposal upon such terms and conditions as may be determined by the city council or their designee.

Secs. 78-114--78-135. Reserved.

DIVISION 2. INERT WASTE LANDFILLS

Sec. 78-136. Definitions.

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

Construction or demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to: asbestos containing waste, wood, bricks, metal, concrete, wall board, paper cardboard, inert waste landfill materials and other nonputrescible wastes

which had a low potential for groundwater contamination.

Generator means any person, corporation, partnership or other legal entity who creates solid waste.

Industrial waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste under regulations promulgated by the board of natural resources.

Inert waste landfill means a disposal facility accepting only 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 without any reinforcing bars, cured asphalt, rock, bricks, yard trash, stumps, limbs and leaves. This definition expressly excludes industrial and demolition waste unless specifically described in this section.

Leachate means a liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such wastes.

Putrescible wastes means those wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

Sec. 78-137. Creation.

The city council may create a public inert landfill.

Sec. 78-138. Rules and regulations.

The city council may establish such rules and regulations for the operation of any such inert waste landfill as it deems reasonable and appropriate. Such rules and regulations may include, but are not limited to: establishment of time of operations, establishment of dumping or disposal fees, establishment of weight limitations, issuance of written permits for its use, etc.

Sec. 78-139. Operation and maintenance.

The operation and maintenance of any such public inert waste landfill shall be in accordance with all applicable federal, state and local laws, rules, and ordinances, including zoning and erosion and sediment control, and any applicable federal wetlands regulations.

Sec. 78-140. Waste generated outside county.

No inert waste generated outside the city shall be accepted for disposal at any such public inert waste landfill.

Sec. 78-141. Entry during hours and days of operation only.

No person shall enter any such public inert waste landfill except when an attendant is present and during the hours and days of operation as established by the city council or its designee.

Sec. 78-142. Waste becomes county property.

All inert waste delivered and deposited for disposal in any public inert waste landfill shall become the property of the city.

Sec. 78-143. Scavenging.

It shall be unlawful for any person to scavenge, disturb or any way interfere with the contents of any public inert waste landfill.

Sec. 78-144. Prohibited materials.

It shall be unlawful for any person to dispose of the following items or materials in any public inert waste landfill located in the city:

- (1) Any waste that will or is likely to produce leachate of environmental concern;
- (2) Any solid waste generated by manufacturing or industrial processes;
- (3) Any food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables;
- (4) Any liquid waste of any kind or description;
- (5) Any hazardous waste as defined by this article or by applicable rules and regulations promulgated by the state department of natural resources, environmental protection division;
- (6) Any waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and any other structures except earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, stumps, limbs and leaves;
- (7) Any putrescible wastes as defined by this division;
- (8) Any tires, tire shreds, tire chips or any other tire or rubber byproducts of any type; and
- (9) Any other type waste material for which disposal is not expressly permitted by this division.

Sec. 78-145. Permit--Required.

It shall be unlawful for any person to operate an inert waste landfill without first having obtained the proper permit from the state department of natural resources and from the city.

Sec. 78-146. Same--Issuance requirements.

The city council may issue a permit for an inert waste landfill once the applicant has shown, to the satisfaction of the city council, that all federal, state and city regulations and ordinances have been and will continue to be complied with in the construction, operation and management of the inert waste landfill and that the location of such inert waste landfill is not or only minimally detrimental to the environment, and that the health, safety and well-being of the citizens of the city are adequately protected.

Sec. 78-147. Operator compliance with all applicable regulations.

(a) The operator of any such inert waste landfill must comply with all applicable federal, state and local laws, rules and ordinances, including zoning, erosion and sediment control, and any applicable federal wetlands regulations, prior to commencement of landfill operations.

(b) In the operation and maintenance of any such inert waste landfill, the operator must continue to comply with all applicable federal, state and local laws, rules and ordinances, including zoning, erosion and sediment control, and any applicable federal wetlands regulations.

(c) The operator of any such inert waste landfill must also comply with all applicable regulations imposed by this division or imposed by the city council pursuant to its authority granted in this division and with all applicable regulations promulgated by the state department of natural resources, environmental protection division.

Sec. 78-148. Orderliness of site required.

The owner and operator of any such permitted inert waste landfill shall keep the site in an orderly condition and maintain it so to never become a public nuisance or menace to public health.

Sec. 78-149. Inspection to ensure compliance with division and other applicable laws.

Any such permitted inert waste landfill shall be subject to inspection by a representative of the City of Flovilla City council at all reasonable times to ensure compliance with this resolution and all other applicable laws, rules and regulations.

Sec. 78-150. Items permitted for disposal.

Any such permitted inert waste landfill shall receive for disposal only those inert waste items specified in sections 78-145--78-149, and it shall be unlawful for any such permitted inert waste landfill to receive for disposal any of these items prohibited in sections 78-145--78-149.

Secs. 78-151--78-180. Reserved.

ARTICLE V. WASTE HAULERS AND COLLECTORS

DIVISION 1. GENERALLY

Sec. 78-181. Definitions.

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

Commercial establishment means any hotel, motel, apartment house or complex, roominghouse, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a single-family dwelling unit/residential unit or condominium.

Commercial solid waste means refuse from a commercial establishment, stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes, including, but not limited to, waste material from industry. Commercial solid waste also includes waste materials from the construction, remodeling and repair of houses, commercial buildings, multiple dwellings and other structures, such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust (construction/demolition waste). However, the term "solid waste" does not include yard trimmings or excluded items.

Condominium means individual ownership units in a multifamily structure.

Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations of pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, waste containing wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have low potential for groundwater contamination.

Contract hauler means a person which collects, transfers and/or disposes of solid waste material.

Excluded item means any item which must carry a permit to be disposed or hauled; any item which is classified as hazardous under subtitle C, Resource Conservation and Recovery Act (RCRA); any item which is explosive, combustible or dangerous to handle without special equipment and training; includes, but is not limited to: batteries, tires, asbestos, appliances with freon and some paints.

Garbage. See Solid waste.

Hauler. See Contract hauler.

Household waste means any solid waste (including garbage, trash and sanitary waste in septic tanks) derived from households (including single-family and multiple-family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas). This term does not include yard trimmings, excluded items or industrial waste.

Industrial waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemical; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing; pulp and paper industry; 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, oil and gas waste, yard trimmings or excluded items.

Landfill. See *Municipal solid waste landfill*.

Licensee means a person issued a license by the city council, who, for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions, similar locations or residential dwellings, provided this definition shall not include an individual collecting and transporting waste from his own single-family dwelling.

Litter means nonhazardous illegally discarded solid waste which includes, but is not limited to, paper, household appliances, furniture and tires.

Mulch means chipped or ground yard trimmings and land clearing debris.

Municipal solid waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and solid waste from single-family and multifamily residences, hotels, 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 landfill (MSWLF) means a discrete area of land or excavation which receives household waste, and is not a land application unit, surface impoundment, injection well or waste pile, as those terms defined in subtitle D of RCRA. A MSWLF may receive other types of RCRA subtitle D waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF may be a new MSWLF, or existing MSWLF, or a lateral or vertical expansion.

Occupants. See *Owner*.

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

Owner means any person owning, leasing, renting, occupying or managing any real property in the incorporated city.

Plastic bag means a polyethylene or other heavy duty plastic bag meeting the National Sanitation Foundation Standard of at least 1.5 mills and not exceeding a 30-gallon capacity, with securing twist ties. An untied plastic bag shall not be an approved container.

Putrescible waste means wastes capable of being decomposed by microorganisms. Examples of putrescible waste include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and some types of garbage.

Reclamation means a controlled method of sorting and storing material from solid wastes for future use.

Recovered materials means materials which have a known use, reuse or recycling potential; which can be feasibly used, reused or recycled; and have been diverted or removed from the waste stream for reclamation by sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Recycling means a process by which recovered materials or other materials which could otherwise become solid waste are diverted from the waste stream and are collected separated or processed, and reused or returned to use in the form of raw materials or products.

Refuse. See *Solid waste*.

Residential unit means any freestanding structure or shelter, or any part thereof, used or constructed for use as a residence for one family.

Roofing materials means material used to roof houses or businesses including, but not limited to, asphalt shingles, tar, nails and roofing felt.

Rubbish. See *Solid waste*.

Sanitary landfill means a disposal site for solid waste which is operated in accordance with all state laws and regulations and all federal laws and regulations, and which has been approved by the state department of natural resources for such purpose.

Sludge means any solid, semisolid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, or a water supply facility exclusive of the treated effluent from a wastewater treatment plant.

Solid waste means household, commercial or industrial solid waste which is nonhazardous, nonmedical, and in a form classified as solid by the state department of natural resources.

Specially handled waste means any municipal solid waste which requires special handling or time to pick up, such as appliances, tires, yard trimmings, etc.

Waste stream means the total flow of solid waste from residential, commercial and industrial sources generated within the incorporated city.

Yard trimmings means grass clippings, leaves, tree and bush limbs, sticks, tree trunks and other organic matter discarded from yards and gardens. Yard trimmings does not include treated wood or wood products, plastic containers or any items which are considered solid waste.

Sec. 78-182. Items prohibited from placement; batteries and tires recycled.

No person shall place or deposit any excluded item into the waste stream. Items such as batteries and tires shall be recycled and may be picked up by licensees for recycling.

Sec. 78-183. Compliance with article provisions required.

No owner or occupant of real estate shall allow his solid waste to be disposed of in any manner which is inconsistent with this article.

Secs. 78-184--78-205. Reserved.

DIVISION 2. LICENSE

Sec. 78-206. Required.

No person may collect and dispose of solid waste for a fee without first obtaining a license permit from the city council.

Sec. 78-207. Issuance; hours provided by licensee for collection in residential areas.

(a) A license for residential or commercial collection and disposal of solid waste may be issued only upon application to the city council.

(b) Licensees shall provide collection services in residential areas only between the hours of 6:30 a.m. and 7:00 p.m.

Sec. 78-208. Requirements for licensees.

All licensees must meet the following minimum requirements:

- (1) *Permit.* Prior to engaging in solid waste handling in the city, a licensee must have obtained a solid waste handling permit from the environmental protection division of the state department of natural resources, or any successor agency authorized to issue permits pursuant to O.C.G.A. § 12-8-24.
- (2) *Insurance.* At the time of submission of a signed license agreement and prior to engaging in solid waste handling in the city, and annually thereafter, or upon request, each licensee shall provide to the city council proof of insurance as follows:
 - a. Statutory workers' compensation insurance.
 - b. Comprehensive general liability insurance, \$500,000.00.
 - c. Vehicle liability:

1. Five hundred thousand dollars limit per occurrence for bodily injury and property damage.
 2. Comprehensive covering all owned, nonowned and hired vehicles.
 3. All insurance contracts must specify vehicles for solid waste collection.
- (3) *Indemnification.* The licensee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the city, its officers, boards, council, employees and agents against any and all claims, suits, actions, liability and judgments from third parties for damages which may be the result of willful, negligent or tortious conduct or operations arising out of the business of collection, transportation and disposal of solid waste, whether or not the action or omission complained of is authorized, allowed or prohibited by this article. This indemnification shall include attorneys' fees and other expenses of litigation incurred by the city.
- (4) *Financial stability.* Licensees obtaining either residential or commercial licenses must be financially stable, as determined by the mayor and/or the city council.
- (5) *Reporting requirements.* Within 30 days from June 30 and December 31, the licensee shall submit to the city council reports of operation disclosing the following information:
- a. Monthly tonnage figures reflecting total waste tonnage collected by service type: residential, commercial, industrial or institutional.
 - b. Monthly tonnage figures reflecting total recovered materials collected by type, and proof of recycling in the form of manifests, bills of sale or other records showing adequate proof of movement of the material to a recognized recycling facility.
 - c. Evidence of disposal of noncovered materials at state approved facilities and name of each such facility.

Secs. 78-209--78-240. Reserved.

DIVISION 3. VEHICLES*

Sec. 78-241. Compliance with state environmental protection division rules.

All vehicles and containers used for collection operations shall comply with the requirements of rule 391-3-4.06 of chapter 391-3-4, solid waste management, of the rules of the state department of natural resources, environmental protection division, and must be compactor-type trucks, covered or enclosed vehicles. All vehicles must be constructed of durable metal, easily cleanable and able to prevent litter from escaping during movement.

Sec. 78-242. Vehicles and containers to meet requirements of state DOT and local ordinances.

Vehicles and containers shall meet all requirements of the state department of transportation for highway safety and local ordinances governing weight and size for the streets which must be traveled for pickup. All vehicles shall be subject to unannounced inspections by county officials for compliance with environmental and highway safety standards.

Sec. 78-243. Identification.

All vehicles shall be identified by displaying the name, telephone number and business license number of the licensee on both sides of the vehicle. The telephone numbers shall also be displayed on the rear of the vehicle. All identifying information must be easily readable in letters at least six inches high.

Sec. 78-244. Number; backup policy.

Licensees shall provide an adequate number of vehicles for regular collection services. Nothing in this division shall prohibit licensees from sharing backup vehicles with other licensees; provided, however, that such sharing shall be adequately covered by insurance.

Sec. 78-245. Vehicles exempted from provisions of section 78-241.

Vehicles used exclusively for collection and transporting recovered materials or for special waste shall be exempt from section 78-241 except that an adequate cover shall be used to prevent litter from escaping during movement.

SO ADOPTED AND ORDAINED THIS _____ DAY OF _____, _____.

Scott Chewning, Mayor

Catherine Watson, Mayor-Pro-Tem

Willie Morgan

Letha Kinard

Glorine Thurman

Thomas Douglas

ATTEST:

Annie Mitchell, City Clerk