

ORDINANCE 96- 25

CITY OF SKY VALLEY, GA

AN ORDINANCE TO DEFINE TERMS AND PHRASES RELATING TO THE COLLECTION AND DISPOSAL OF TRASH, WASTE AND GARBAGE; TO REGULATE THE RECEPTACLES AND CONTAINERS FOR THE SAME; TO PROVIDE FOR THE MANNER OF PREPARATION OF THE SAME FOR COLLECTION; TO PROVIDE FOR THE MANNER OF COLLECTION OF CONSTRUCTION MATERIAL, TRASH AND GARBAGE FROM COMMERCIAL ESTABLISHMENTS AND PLACES OF RESIDENCE; TO PROHIBIT THE DEPOSIT OF TRASH, DEBRIS OR LITTER UPON VACANT LOTS; TO PROHIBIT BURYING REFUSE, POLLUTING WATERS, OR SPILLING TRASH, GARBAGE AND OTHER DEBRIS UPON CITY STREETS; TO PROVIDE FOR KINDS OF COLLECTION SERVICE TO BE OFFERED, THE DAYS OF COLLECTION AND A SCHEDULE OF CHARGES THEREFOR; TO PROVIDE PENALTIES FOR VIOLATION AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

The Council of the City of Sky Valley hereby ordains:

Sec. 1-1. Definitions.

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

Business trash means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags, or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial establishment means any hotel, motel, restaurant, food store, hospital, school, church, business or any non-residential establishment at which garbage or trash may be generated.

Exposed materials and equipment means any accumulation of materials, including waste building materials, new building materials not associated with ongoing building projects, building materials other than those stored in authorized outdoor storage yards, and similar materials; and any accumulation of used or new equipment, such as refrigerators or other appliances, plumbing fixtures or equipment, generators, small commercial trailers, and similar equipment, stored out of doors and exposed to view from any public street or right-of-way.

Foreign material means construction or building waste, and includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture, large household appliances such as stoves, refrigerators, air conditioners, washing machines, clothes dryers, water heaters, mattresses and television sets.

Garbage means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking processing, handling, or storage of meats, fish, fowl, fruits, vegetables, 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.

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

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, concrete, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprises, and industrial plants, but not garbage, household trash, or business trash.

Living unit means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this chapter.

Multi-family units means all places of abode other than single-family residences.

Refuse means solid waste accumulations consisting of garbage, household trash, and business trash.

Single-family residence means any single-family dwelling or living unit, and is interchangeable with the word "household" and includes single-family condominium units.

Tree trimmings means every waste accumulation of tree branches, tree trunks, tree limbs, parts of trees, bushes, or shrubs, greenleaf cuttings, fruit, or other vegetation.

Yard trash means every waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches, and bulky or noncombustible material.

Sec. 1-2. Receptacles and containers-Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multi-family units shall furnish or require tenants to furnish proper waste receptacles and containers.

Sec. 1-3. Same-Specifications.

(a) All receptacles and containers as required under this article shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this chapter or which have ragged or sharp edges or any other defects which are reasonably liable to hamper or injure the person collecting the contents thereof or the public generally shall be promptly replaced upon notice. All refuse containers are to be provided by the customer and are to be maintained by the customer at the customer's expense except as noted below in paragraph (c).

(b) Refuse containers may be of the following construction:

Option 1: Each single-family residence shall provide two (2) in-ground containers. Containers shall have a capacity of not less than 25 gallons or more than 32 gallons per container. Containers shall be of two-piece construction with a removable inner liner equipped with handles or bails to allow for easy removal and shall be equipped with tight fitting cover or lids and shall be watertight. The City shall not be required to collect the contents of more than two approved containers.

Option 2: In lieu of Option 1 above, each single family residence shall provide no more than two (2) refuse containers which shall be constructed of heavy plastic or metal and shall have a capacity of not more than thirty-two (32) gallons. Containers or cans shall be equipped with suitable handles, tight-fitting covers or lids with hand grips, and shall be watertight. The City shall not be required to collect the contents of more than two approved containers. Customers selecting this option shall be required to remove or otherwise make inoperative any existing in-ground containers and the City will not be responsible for removing any trash placed in these in-ground containers.

(c) Optional containers for multi-family units:

Multi-family units with a capacity of more than two living units shall be required to use Option 1 above or, at the sole discretion of the City, may use containers of not less than two (2) or more than eight (8) cubic yard capacity. These containers shall be of the proper dimensions as specified by the city and shall be compatible with the city's collection equipment. These containers shall be located so as to be easily accessible by the city's equipment and shall be enclosed within a suitable fence or otherwise hidden from view. The city may, at the sole discretion of the city, provide such containers at the city's expense.

Sec. 1-4. Precollection practices.

(a) *Dangerous trash items.* All dangerous trash items, and all waste material of an injurious nature, such as broken glass, light bulbs, razor blades, sharp pieces of metal, fluorescent tubes, television tubes, and the like shall be securely wrapped to prevent injury to the collection crews.

(b) *Yard trash.* The city will not collect yard trash, as defined by this ordinance.

(c) *Tree trimmings.* The city will not collect tree trunks, tree stumps, tree branches, or tree limbs of any size as part of the garbage collection program.

(d) *Foreign material and industrial waste.* The City will not collect foreign material or industrial waste as defined by this ordinance, all of which must be properly disposed of by the owner or person, firm or corporation responsible therefor.

Sec. 1-5. Accumulation for collection.

All accumulations of refuse and trash shall be contained in plastic bags and shall be stored or placed for collection in accordance with the following provisions:

(1) *Public streets and private property.* No person shall place any accumulations of refuse and trash in any street, alley, or other public place of travel, nor upon any private property except the person's own property, except on the days when it is scheduled to be collected. For customers selecting the Standard Service option, the placement for collection shall be in the area not more than twenty (20) feet from the street pavement and the approved containers must be easily visible from the street.

(2) *Blockage of storm drains.* No person shall place any refuse, trash, garbage cans, or trash bags on, upon, or over any storm drain, or so close *thereto* as to be drawn by the elements into such drain, which would result in or tend to cause a blockage of any part of such storm drainage system.

- (3) *Unauthorized accumulations.* Any unauthorized accumulation of refuse, business trash, foreign material, or industrial waste, on any lot, property, premises, public street, alley, or other public place of travel is prohibited. In addition, any unauthorized accumulation of exposed materials and equipment on any commercially-zoned property is prohibited. Failure to remove and correct any such unauthorized accumulations of refuse shall be deemed a violation of this ordinance, and shall be subject to the penalties described in section 1-15.
- (4) *Waste building materials.* Notwithstanding subsection (3) of this section, waste building materials, defined as foreign material by this chapter, shall be permitted to be stored for a period of up to sixty (60) days at ongoing building sites under the following conditions:
- a. No such materials may be located within rights-of-way or on private property other than that of the building site;
 - b. No material which could be moved by the elements, such as paper, rags, cloth, or other fibers, shall be stored at the site for an unreasonable length of time; and
 - c. All waste building materials shall be removed and property disposed of when a project has been completed.

Sec. 1-6. Collection practices and services.

- (a) The City shall provide refuse collection service to each business establishment, residence, or living unit within the city's corporate limits which is occupied a part of each fiscal year. If any structure shall have more than one (1) family or business occupying it, the city shall provide such service to each occupant of the structure. Except in the event of inclement weather or other acts of God, each customer shall receive refuse pickup service not less than once a week.
- (b) The schedule for refuse collection and the charges the City shall levy against each customer shall be as determined from time to time by the city council and posted at City Hall. Any customer may petition the City for more frequent collection of refuse from his premises and the City may, at the discretion of the City Council, provide such increased services upon such terms as the Council may reasonably require. In the case of new structures, a refuse collection charge shall be levied upon issuance of a certificate of occupancy.

(c) No above-ground receptacles shall be placed for collection before 6:00 AM on the day of collection. Above-ground receptacles should be placed for collection no later than 8:00 AM on the day of collection to insure collection. All above-ground receptacles shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. It shall be unlawful for any person to damage, displace, or otherwise interfere with refuse containers or their contents except the owner or upon permission or at the request of the owner.

(d) Notwithstanding the foregoing, the city reserves the right to reject the collection of certain specific categories of refuse, in accordance with mandatory state or county solid waste regulations, or in accordance with any recycling program the city may adopt, including materials such as cardboard, aluminum, glass, or plastics. Upon adequate notice to its customers, the city may require such refuse to be separated from other refuse and/or disposed of by the customer.

(e) The City shall provide Standard Collection Service and Premium Collection Service, one of which shall be selected by the customer, for the charges specified, all as described and provided in Exhibit A to this ordinance which is incorporated herein as part hereof.

Sec. 1-7. Special collections.

(a) Any property owner desiring special bulk collections of tree trimmings and yard trash not in closed containers or tied in bundles may request a special collection, which shall be scheduled through the office of the city clerk. If sufficient manpower and equipment is available, city personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the city clerk.

(b) No collection shall be made from vacant lots, nor shall any large rocks, tree trunks, tree stumps, tree limbs, or other heavy objects be collected by the city. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.

(c) Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.

Section 1-8. Construction material not city's responsibility

The city shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal, or other like materials originating from private property preliminary to, during, or subsequent to the construction of new buildings,

alterations, or additions to existing buildings of whatsoever type. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

Sec. 1-9. Collection and disposal by commercial establishments, and private collectors.

(a) The actual producers of refuse or the owners of the premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, or private collectors of refuse from within the city or outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown, or spilled.

(b) The city shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors or individuals as it shall find necessary.

Sec. 1-10. Commercial establishments.

All commercial establishments shall store their refuse in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas, or dumpsites operated by the county.

Sec. 1-11. Vacant lots.

It shall be unlawful for any person to throw any paper, trash, or debris, scrap building material, or foreign material of any kind upon any vacant or unoccupied lot within the city.

Sec. 1-12. Littering unlawful.

It shall be unlawful for any person to throw any paper, trash, garbage, or debris upon any street, alley, park, or other public or private property in the city. It shall further be unlawful for any person to cast or throw, or cause to be cast or thrown, into any of the gutters, drains, or sewers within the city, any garbage, tree or grass cuttings, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, or sewers.

Sec. 1-13. Burying refuse; polluting waters.

It is declared to be unlawful and to for any person to deposit on or to bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot,

sidewalk, parkway, or bank of any lake, stream, or waterway, any trash, rubbish, fruit peelings, debris, refuse, garbage, brush, cans, boxes, oil, or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any lake, stream, or water-way.

Sec. 1-14. Spilling material on streets.

It shall be unlawful for any person hauling any material whatsoever, whether refuse, trash, fill, rock, sand, concrete, or whatever, to spill such material from the hauling vehicle onto the streets of the city.

Sec. 1-15. Penalties.

(a) Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00.

(b) The city may also require that any unauthorized accumulation, as defined by Section 1-5(3), be removed within thirty (30) days written notice to the property owner by registered or certified mail, return receipt requested. If such notice cannot be delivered by the postal service, the city may, as an alternative, post a notice at the site of the unauthorized accumulation stating the terms of removal. If such accumulation is not removed within the notice period, then the city is authorized to remove or cause to be removed such accumulation, entering in and upon private property if necessary, and shall assess the property owner the cost of removing the accumulation. A second registered or certified mail notice shall be sent to the property owner, stating that the accumulation has been removed and that the cost shall be paid by the property owner within thirty (30) days of receipt. If that assessment is not paid, then it shall become a lien on such piece of property. Notice of such lien shall be filed and recorded in the real property lien records of Rabun County, Georgia, and when so filed and recorded said lien shall encumber the described real property and may be foreclosed in the same manner as liens for taxes.

(c) If above ground receptacles placed for collection are not removed from the street area on the day of collection as required in Section 1-6(c), the city is authorized to remove or cause to be removed said containers and replace them on the property of the owner, entering into and upon private property if necessary. A fee of \$12.00 will be levied for each occurrence of said failure and will be billed on the next scheduled billing.

(d) If trash is placed for collection, either unlawfully or negligently, so as to allow it to be scattered by wind or animals, the city is authorized to remove or cause to be removed such scattered trash, entering into and upon private property if necessary. A fee of \$12.00 will be levied for each occurrence and will be billed on the next scheduled billing.

EXHIBIT A
SCHEDULE OF CHARGES AND DAYS FOR GARBAGE COLLECTION

STANDARD SERVICE - Customers selecting the Standard Service are required to place the approved containers not more than twenty (20) feet from the traveled portion of the street. The monthly charges for this service are as follows:

Single-family Units:

(1) Option 1 - Each single-family unit using approved in-ground containers shall pay a monthly fee of \$12.00.

(2) Option 2 - Each single-family unit using approved above-ground containers shall pay a monthly fee of \$12.00.

Multi-family Units:

(1) Option 1 - Multi-family units using approved in-ground containers shall pay a monthly fee of \$12.00 per family unit.

(2) Option 2 - Multi-family units using approved multi-yard containers shall pay a monthly fee of \$10.00 per family unit. In the case of this option, a single bill will be issued to such legal entity which may pay common bills for the multi-family unit.

PREMIUM SERVICE - Customers selecting the Premium Service may place the approved containers anywhere on the customer's property so long as it is easily and safely accessible by collection crews and is not located within a building. By selecting this service, the customer gives the city the right to come upon the customer's property to provide this service. The city will not be responsible for normal wear and tear to the customer's property which might occur due to the city's traveling upon the customer's property.

Customer's selecting the Premium Service shall pay a monthly fee of \$20.00 per family unit.

SELECTION OF SERVICE - Customer's must notify the city in writing of the service option chosen no less than thirty (30) days before said service is to begin or change. The city must approve the location of the approved containers in advance.

Commercial Service - Commercial customers shall use approved multi-yard containers and shall pay a monthly fee of \$25.00 per cubic yard of container capacity.

DAYS OF COLLECTION

The normal scheduled collection day shall be once per week on Monday. In the event that an official city holiday shall fall on Monday, or when inclement weather or road conditions shall prohibit collection on Monday, collection will occur on the next day which weather or road conditions permit.

Sec. 1-16. Effective Date.

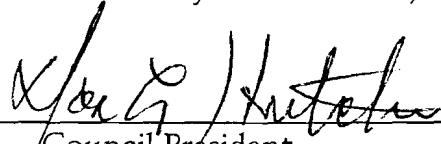
This ordinance shall take effect from and after January 2, 1997.

Sec. 1-17. Conflicting Ordinances.

City Ordinances 92-15, 94-4, 94-6, 96- and all ordinances and parts of ordinances in conflict herewith are hereby repealed.


BE IT SO ORDAINED by the Mayor and Council this 2nd day of December, 1996.

Mayor




Council President

Approved by:



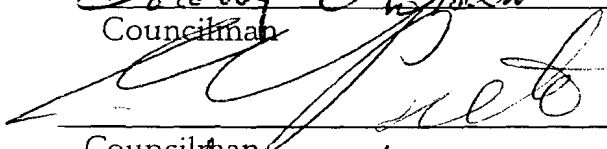
Councilman

Attorney



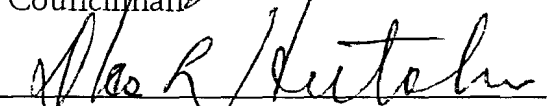
Councilman

Attested by:



Councilman

City Clerk



Councilman