

## **ARTICLE VI**

### **SOLID WASTE MANAGEMENT ORDINANCE**

#### **SECTION 111-174. Definitions.**

The following words, term and phrases, when used in this article, shall have the following meanings:

***Biomedical waste*** means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated and other such wastes. See O.C.G.A. § 12-8-22.

***Commercial purpose*** means for the purpose of economic gain.

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

***Hazardous substance*** means any substance listed on the List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R., part 355, Appendix A. See O.C.G.A. § 12-8-92.

***Hazardous waste*** means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act and codified as 40 C.F.R. Section 261.3 and any designated hazardous waste. See O.C.G.A. § 12-8-62.

***Household garbage*** means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

***Landfill*** means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile

***Public or private property*** means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

***Department of Utilities*** means the City of Cumming department responsible for water treatment, wastewater treatment, water distribution, wastewater collection, utility billing, storm water, utility engineering, solid waste management, and sanitation.

***User*** means a customer who utilizes City services.

***Solid Waste*** means any waste derived from commercial establishments, households, single-family residences, multi-family residences, hotels, motels, bunkhouses, campgrounds, picnic grounds, and recreation areas. The term includes household garbage, trash, and similar refuse, but does not include solid waste from mining, agricultural, or silvicultural operations, septic tank waste, or industrial processes or operations.

***Yard Trimmings*** means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

### **SECTION 111-175. Purpose.**

The purpose of this article is to protect the public health, safety, environment, and general welfare through the proper disposal of solid waste.

### **SECTION 111-176. City Responsible for Sanitation Services Generally.**

(a) All garbage, trash and refuse accumulated in the City shall be collected, conveyed, and disposed of by the City through agents of the City or through its designated contractor(s), except as expressly provided in this chapter. No person shall collect and dispose of garbage, trash and refuse as a commercial enterprise in the City without express permission from the Mayor and Council.

(1) To facilitate this collection process, the City is empowered to enter into contractual agreements for the provision of residential and/or commercial solid waste disposal services, as well as for the disposal of recyclable materials.

(2) In the event the city enters into contractual relationships for solid waste and/or recyclable services, it may, in its discretion, contract with a single entity for the provision of said services, or may enter into agreements with multiple entities.

(b) No person shall operate a landfill, an inert waste landfill, or a construction/demolition waste landfill without permission from the Mayor and Council. All such landfills shall at a minimum comply with the rules of the Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-4, Solid Waste Management.

(c) All persons and/or entities seeking to enter into a contract with the City for the purpose of providing any service under this ordinance shall grant access to the their solid waste collection facilities for the purpose of conducting all actions necessary to inspect such facilities to ensure compliance with all applicable local, state, and federal rules and regulations; and to ensure that such solid waste collection practices do not pose a threat to the health, safety and welfare of the public. "Solid waste collection facilities" shall include solid waste and recycling receptacles, dumpsters, transfer stations and other machinery or equipment necessary in the solid waste collection process.

### **SECTION 111-177. Collection Days Assigned.**

The City or its designated contractor will collect solid waste in accordance with a schedule as established from time to time by the City and kept on file in the Department of Utilities and the office of the City Clerk. All solid waste collection, including common household garbage and commercial trash and refuse, shall be performed in a timely and responsible manner to prevent the spread of disease; to prevent a public nuisance; to avoid any unnecessary danger to children or the general public, and to prevent any serious threat to the public health and safety.

### **SECTION 111-178. Preparation and Storage of Solid Waste For Collection**

Solid waste shall be placed in plastic bags with the tops securely tied. Solid waste, garbage and refuse placed in containers that are not bagged in plastic bags with the tops securely tied will not be collected and customer will be notified of noncompliance with this section.

### **SECTION 111-179. Design and Construction of Dumpster Storage Areas.**

(a) All dumpster storage areas shall be enclosed and provided with a reinforced concrete pad that is sloped to a drain which shall be plumbed to the sanitary sewer system. No dumpster pad shall be connected to the storm sewer system. All dumpster storage areas shall be elevated and/or constructed in such a way as to prevent stormwater runoff from flowing into the storage area.

(b) All dumpster storage areas shall be covered with a roof to prevent stormwater from entering the sanitary sewer system via the dumpster pad drain.

(c) All dumpster storage structures shall have three solid sides and be constructed of City-approved masonry materials. These structures shall contain doors that cover the opening to the structure and that limit visibility and contain loose debris and litter.

(d) All dumpster storage areas shall be equipped with a hose bib an above-ground heated RPZ backflow prevention device. The hose bib and water hose storage area shall be located

inside the dumpster storage structure and installed in such a way as to prevent damage to the hose bib.

(e) A properly designed reinforced concrete turn-around shall be provided for garbage truck turn around.

(f) Maintenance – dumpster storage areas shall be properly maintained and cleaned. Maintenance includes but is not limited to doors, roof structure, drain, hose bib, concrete pad, and truck turn-around. All dumpster storage structures shall be cleaned regularly and shall be free of both solid and liquid wastes at all time.

### **SECTION 111-180. Unauthorized Use of Dumpsters and Prohibiting Scavenging.**

(a) It shall be unlawful for any person to throw, deposit or otherwise leave trash in dumpsters that are leased and paid for private use, except by permission of the owner. This prohibition includes dumpsters on government property.

(b) It shall be unlawful for any person to scavenge or remove solid waste from dumpsters. Trash in these dumpsters is the property of the company providing the solid waste disposal service.

(c) Each dumpster shall display one (1) sign in easy to read printing, which sign shall contain the following information:

(1) Notice that the unauthorized and unlawful use of the dumpster is a violation of Section 111-180 of the Code of Ordinances of the City of Cumming.

(2) Warning that violators will be prosecuted.

(d) Any person found guilty of violating the provisions of this Section shall on conviction thereof be punished as prescribed **in Section 111-185 of this Code.**

### **SECTION 111-181. Placing of Solid Waste For Pickup.**

(a) Solid waste shall be placed so as to be easily accessible to street pickup, and shall not be placed over or next to fixed items such as fire hydrants, telephone or electrical boxes, mail boxes or anything that could be damaged by equipment or personnel picking up said items, but not including the street, sidewalk, or properties other than the premises of the depositor. The City of Cumming will not be responsible for repairing or replacing items removed or damaged which was placed curbside in such a manner that it appeared to be intended for removal or was not visible because it was mixed with other items placed curbside.

(b) Solid Waste cans or containers shall be placed and made ready for pickup starting no later than 12:01 am on the designated day for pickup. Once solid waste is removed from the

containers, they shall be removed from the street-side, said removal to occur no later than 11:59 p.m. on the day designated of pickup.

**(c)** The City will not collect the following materials or classes of materials:

**(1)** discarded building materials, broken concrete, bricks, rock, or debris resulting from repairs, major cleanups (this includes but is not limited to cleaning out of basements, attics, storage areas, or major cleanups from move ins or move outs), remodeling, or construction waste (plumbing fixtures, including but not limited to sinks, bath tubs, shower stalls, toilets, cabinets, doors, windows, roofing debris, lumber, siding). Such material must be disposed of by the contractor, tenant, or owner of the property.

**(2)** rubber tires, wheels, batteries, used oil, paint or paint cans, automotive parts, acid, explosive material, flammable liquids, inflammable liquids, dangerous or corrosive material of any kind, hazardous or bio-medical waste or any waste requiring special disposal procedures by the rules of solid waste management of the State of Georgia Department of Natural Resources Chapter 391-3-4.

**(d)** Large appliances and items such as washers, dryers, microwaves, stoves, refrigerators, air conditioners, trash compactors, water heaters, televisions, computers, monitors, stereos, furniture, appliances, and carpet will be picked up on a special fee basis only. The aforementioned list is not intended to be exhaustive, and all solid waste customers are encouraged to speak with the Director of Utilities if there are any questions regarding the need for a special fee pickup. Placement of such items curbside without making prior arrangements for pickup with the City shall be deemed a violation of this Code section.

## **SECTION 111-182. Yard Trimmings**

**(a)** Yard Trimming disposal shall be restricted as follows:

**(1)** Yard Trimmings shall not be placed in or mixed with municipal solid waste, except at landfills restricted to construction or demolition waste;

**(2)** Yard Trimmings shall not be disposed of at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion within its jurisdiction;

**(3)** Before collection, Yard Trimmings shall be separated and stored for collection in a separate container from all other municipal solid waste.

**(4)** To the maximum extent feasible, Yard Trimmings must be sorted and stockpiled, chipped, composted, used as mulch or otherwise beneficially reused or recycled or delivered to a facility which will make such beneficial use of the Yard Trimmings.

**(b)** Each resident of the City is required to dispose of Yard Trimmings in accordance with the provisions of this Ordinance.

**(c)** Nothing in this Ordinance shall be construed so as to require a Solid waste Collector licensed by or contracted to the City to collect Yard Trimmings for disposal.

**(d)** Nothing in this Ordinance shall be construed so as to require the City to provide for the collection of, or a location for, the disposal of Yard Trimmings.

**(e)** Nothing in this Ordinance shall be construed so as to prevent an occupier of land from mulching or composting Yard Trimmings for use on the premises.

### **SECTION 111-183. Disposal of Dead Animals.**

**(a)** Carcasses of cats, rats, chickens or other fowl shall be well buried by the occupant of any premises on which they may be.

**(b)** All other carcasses shall be reported to the Director of Utilities of the City of Cumming, or his designee, and shall not be disposed of otherwise. Such person or the Chief of Police shall have all carcasses in the streets or in private lots removed out of the City limits and then buried or otherwise disposed of so as not to create a nuisance. All such dead carcasses shall be removed at the expense of the owners of the animal, if known, and the City shall collect the fee for the same as provided by law.

### **SECTION 111-184. Billing Procedure.**

Monthly solid waste management charges shall be billed and collected in the same manner and at the same time as charges for water service are billed and collected. The fee for solid waste management and disposal, including any special fees related to said service, shall be derived from the cost to the City in providing this service, plus a service charge, said service charge to be set by the Mayor and Council in a schedule of fees maintained by the Utilities Department.

### **SECTION 111-185. Enforcement and Penalties.**

*(a) Violating article provisions.* Any person found guilty of violating the provisions of this article shall be punished as provided in section 1-11 of the Code of Cumming, Georgia.

*(b) Termination of Service.*

- (1) Any person charged with a violation of any section or provision of this chapter, including failure or refusal to pay solid waste utility charges for 60 days, shall be given a written notice and instructions from the office of the director of utilities or his designee as to the required remedy for such violation, including but not limited to reimbursement for solid waste

disposal undertaken or ordered by the City. Failure to comply with the requirements of such written notice and instructions of the director of utilities or his designee may result in the termination of all utility services by the director of utilities or his designee, said termination to be in addition to any and all fines or imprisonment described above.

- (2) Reinstatement of city solid waste collection and other utilities shall only be provided after the person or entity has fully complied with all the provisions of this article and any remediation required by the director of utilities.

### **Section 111-186. Conflict With Other Ordinances.**

- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

### **Section 111-187 – 111-208. Reserved.**