STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2018-05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA BY REVISING ARTICLE A ("COLLECTION OF RESIDENTIAL REFUSE") IN CHAPTER 2 ("SOLID WASTE COLLECTION AND DISPOSAL") OF TITLE 5 ("PUBLIC WORKS"); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the City is authorized to regulate the collection and disposal of garbage, rubbish and refuse within its municipal limits pursuant to, among other things, Section 1.12(34) of the City's Charter; and

WHEREAS, the City previously exercised such power, having adopted comprehensive regulations governing the collection and disposal of residential garbage, rubbish and refuse that presently is codified in Article A ("Collection of Residential Refuse") of Chapter 2 ("Solid Waste Collection and Disposal") in Title 5 ("Public Works") of the Code of Ordinances, City of Morrow, Georgia; and

WHEREAS, the governing authority has determined that it is necessary to amend said regulations to further protect the public health, safety and welfare of the citizens of the City.

BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA, and by the authority thereof:

Section 1. That Article A ("Collection of Residential Refuse") of Chapter 2 ("Solid Waste Collection and Disposal") in Title 5 ("Public Works") of the Code of Ordinances, City of Morrow, Georgia is hereby amended by striking, in its entirety, the current text contained therein and by inserting the following text in lieu thereof, which shall read and be codified as follows:

"ARTICLE A. - COLLECTION OF RESIDENTIAL REFUSE

Sec. 5-2-1. - Definitions.
For the purposes of this article, the following words and phrases shall have the meanings ascribed to them in this section:

(1) Bulk Items: "Bulk Items" shall mean (1) White Goods; and (2) household furniture items, such as sofas, chairs, tables, desks, mattresses, box springs and other large household items, which cannot reasonably be placed in a 95-gallon rollout cart.

(2) Cart: "Cart" shall mean a rollout receptacle for Residential Recycling with a capacity of not less than 65 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid capable of preventing entrance into the container by vectors.

(3) C & D Materials: "C & D Materials" shall mean waste materials generated by the construction, remodeling, repair or demolition of residential, commercial or other structures.

(4) City: "City" shall mean the City of Morrow, Georgia.

(5) Collector: "Collector" shall the City and the Contractor.

(6) Container: "Container" shall mean and include a durable, rust-resistant, non-absorbent, rodent-proof, watertight plastic or metal container with handles or bails, having a tight-fitting cover.

(7) Contractor: "Contractor" shall mean any person, firm, corporation, organization or entity with which the City has executed a contract for the collection of residential refuse and its duly authorized representatives.

(8) Curbside: "Curbside" shall mean the location adjacent to the traveled portion of a publicly owned roadway designated by the Contractor for the placement of recycling carts or bins and other solid waste for collection.

(9) Garbage: "Garbage" shall mean solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other farm products.

(10) Hazardous Waste: "Hazardous Waste" shall mean material in a solid or semi-solid state resulting from the manufacture or use of pesticides or drugs (other than normal household use), pathological wastes, chemical wastes, flammable or explosive materials, and similar waste material in a solid or semi-solid state, that the city manager may consider a likely hazard to the public health or safety, except radioactive waste materials, as provided in rules of the Georgia Department of Natural Resources, Chapter 270—6—1, entitled "Radioactive Materials."

(11) Industrial Waste/Industrial Solid Waste: "Industrial Waste" or "Industrial Solid Waste" shall mean the solid waste materials from factories, processing plants and manufacturing enterprises; and includes food processing wastes, meat and poultry processing waste, hatchery waste, construction and demolition waste, condemned food, ashes and cinders from power plants, agriculture products waste, land clearance waste and similar waste.

(12) Litter: "Litter" shall mean "Rubbish" as defined in this section, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(13) Premises: "Premises" shall mean land, buildings or other structures, vehicles, or parts thereof, upon or in which solid waste is stored.

(14) Recyclable Materials: "Recyclable Materials" means those materials, including, but not limited to, aluminum, tin, glass, plastic, paper and cardboard, which have known use, reuse or recyclable potential and can be feasibly used, reused or recycled. The term does not include: food, liquids, clothes hangers, Styrofoam, batteries, light bulbs or medical waste.

(15) Recycle Bin: "Recycle Bin" means any cart, can or other receptacle that is used by the occupant of a Residential Premises to provide recyclable materials to the City or a Contractor for collection from said Premises.

(16) Residential Premises: "Residential Premises" shall mean a dwelling within the incorporated area of the City occupied by a person or group of persons, including single family homes, duplexes, triplexes, quadraplexes, and mobile homes whether such mobile homes are registered as vehicles or assessed as real property.

(17) Residential Solid Waste: "Residential Solid Waste" shall mean all Garbage and Rubbish generated by a Residential Premises, excluding automobile

parts, tires, C & D Materials, Yard Trash, White Goods, Hazardous Waste or other unacceptable materials.

(18) Rubbish: "Rubbish" shall mean non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans or other such waste. Small items such as carpet cut into four foot by four foot sections and small in-home similar building materials as long as it is under three cubic yards and materials will not damage Contractor's truck.

(19) Scavenge: "Scavenge" shall mean uncontrolled picking from discarded solid waste materials.

(20) White Goods: "White Goods" shall mean refrigerators, ranges, washers, water heaters and other similar domestic appliances.

(21) Yard Trash: "Yard Trash" shall mean leaves, brush, grass clippings, shrubs and tree pruning, and other vegetative materials from the maintenance of yards, lawns and landscaping at a Residential Premises.

Sec. 5-2-2. - Administration.

(a) The city manager or his or her designee shall implement and enforce the provisions of this article.

(b) Collection by the City. The City shall have the exclusive right, within its corporate limits, to operate and to maintain, either through its own forces or through the use of a Contractor, a solid waste removal system for the purpose of providing solid waste removal services for the use and benefit of its residences. No person or entity other than the City or a Contractor shall engage in the business of solid waste removal or disposal for any residence within the corporate limits of the City.

(c) Each property that contains a single family residence shall employ the service of a solid waste disposal system in compliance with the provisions of this chapter.

(d) The City shall promulgate and establish rules and regulations governing the operation and maintenance of the solid waste removal system. These rules and regulations shall be kept on file, open to the public, at city hall.

Sec. 5-2-3. – Collection.

(a) The Collector shall collect Garbage from each Residential Premises one (1) time per week from the back door or side door at a point no more than 10 feet away from the back of the house. Collection is limited to a container capacity of 150 gallons and all content must be bagged and placed inside containers constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors. Collection is limited up to 5 residential 30 gallon garbage cans or bags on the designated collection day. The occupant of the Residential Premises shall place garbage out by 7:00 AM

on the designated collection day and not before 6:00 PM on the day before collection.

(b) The Collector shall collect Yard Waste from each Residential Premises one (1) time per week at Curbside. The occupant of the Residential Premises shall cut tree limbs no more than six feet in length and four inches in diameter. Leaves, grass clippings, tree clippings, shrubbery clippings and other small pieces shall be placed in a paper bags up to a limit of 10 paper bags per week not to exceed 40 pounds per bag in weight. This definition does not include whole trees taken down by residents or a professional landscaper. Yard Waste does not include earth, gravel, stones or ornamental landscaping features. The occupant of the Residential Premises shall place Yard Trash at Curbside by 7:00 AM on the designated collection day but not before 6 PM on the day before collection.

(c) The Collector shall collect Recyclable Materials from each Residential Premises one (1) time per week from the back door or side door at a point no more than 10 feet away from the back of the house. The occupant of the Residential Premises shall place the Recycle Bin at the side door or back door at a point no more than 10 feet away from the back of the house. The occupant of the Residential Premises shall place the cart or bin out by 7:00 AM on the designated collection day and not before 6 PM on the day before collection.

(d) The Collector shall collect Bulk Items Curbside from Residential Premises once per week at a limit of two (2) items of Bulk Items per week. Freon must be removed from white good items before collection occurs. Automotive parts, combustible items and large construction demolition debris are not considered Bulk Items and the Collector will not be responsible to collect such items curbside. However, for small in-house home repairs, the Collector will collect small items such as carpet cut into four foot by four foot sections and small in-home similar building materials as long as it is under three (3) cubic yards and materials will not damage the truck employed by the Collector to collect Bulk Items. The occupant of the Residential Premises shall place Bulk Items in the Curbside location by 7:00 AM on the designated collection day and not before 6 PM on the day before collection.

Sec. 5-2-3. - Solid waste acceptable for collection.

The following shall constitute waste acceptable for collection by the Collector:

a) Garbage;
b) Rubbish;
c) Litter;
d) Bulk Items;
e) White Goods;
f) Yard Waste; and
g) Residential Solid Waste.

Sec. 5-2-4. - Solid waste unacceptable for collection.

(a) The following shall constitute waste unacceptable for collection by the Collector:

1. Hazardous Materials;
2. Industrial Waste;
3. Materials such as earth, paint, plaster and other materials resulting from the repair, excavation or construction of buildings;
4. Trees, bushes, brush and any and all types of vegetation cut by commercial tree trimmers, landscapers or building contractors;
5. Vehicles parts, including, but not limited to, tires and batteries; and
6. All other forms of refuse not specifically authorized in Section 5-2-3.

(b) Waste products and other items placed for pick-up by the Collector shall originate from the serviced address only and may not include items delivered or brought over from another address in or out of the city limits.

(c) Any person responsible for any waste products and other items not acceptable for collection by the Collector shall make such arrangements as may be necessary for the collection and disposal of the unacceptable refuse. In no case shall the unacceptable refuse be stored for more than seven (7) days by any person prior to its disposal and at no time will the unacceptable refuse be stored in a way that is visible from the right of way or that poses or creates a nuisance to neighbors.

Sec. 5-2-5. - Preparation and storage of acceptable solid waste.

(a) Solid Waste.

(1) *Maintenance of containers.* Owners of single dwelling units shall store all acceptable solid waste standard containers which shall be provided by the owner or occupant of each residence and which shall at all times be maintained in a good state of repair. Except when trash or garbage is being loaded into containers, or pick-up of the same is being affected, lids of containers shall be kept closed. Each owner shall prevent the continued, excessive and unsightly accumulation of solid waste upon the property occupied by him or any public place adjoining his property.

(2) *Preparation.* All solid waste shall be free from liquid. Waste shall be placed into secured bags and then shall be placed inside watertight containers. All bags and containers must be of a type, size and material designed for waste storage and disposal. Small plastic shopping bags from retailers or grocers are not permitted for bagging solid waste. The bags shall be unbroken, securely sealed and placed in the container in a manner so that normal handling will not cause the bag to open. Total collection shall be no more than 150 gallons. A maximum number of 5 containers can be used.

(b) Place of collection.

(1) Containers must be stored and placed beside or behind and within 10 feet of the house for waste removal. The Collector shall not pick-up garbage within fences, enclosed carports or other enclosed areas.

(2) Grass clippings, pine straw, leaves and similar items will be picked up if at the curb on pick-up day and only when bagged appropriately. The items must be secured in disposable paper bags of a type, size and material designed for yard waste storage and disposal. Disposable bags shall be unbroken and securely sealed and loaded in a manner that normal handling will not cause the bag to open. The limit is 10 bags per curbside pick-up day; not to exceed 40 pounds per bag. The occupant of the Residential Premises shall cut tree limbs no more than six (6) feet in length and four (4) inches in diameter and total no more than three (3) cubic yards. Yard waste shall not include earth, gravel or stones.

(3) Bulk Items from in-home repair waste materials shall be free of nails and other sharp objects and will be collected only when the materials are neatly bundled. The maximum amount of in-home repair materials to be placed at the curb for pick-up is three (3) cubic yards.

(4) On yard waste/bulk waste pick-up days, the total of both types of wastes shall not exceed three (3) cubic yards on any given day.

(c) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within such reasonable time, as may be fixed by written notice of the city manager, shall be deemed a violation of this article.

Sec. 5-2-6. - Scavenging.

No person other than the Collector or the occupant of the Residential Premises from which solid waste is to be collected shall neither interfere with any container placed for the purpose of storing solid waste pending collection nor remove or take any of the contents thereof, nor remove any such container from the location where the container has been placed by the owner thereof.

Sec. 5-2-7. - Collection.

(a) All collections from residential property in the city shall be made by the Collector.

(b) Collections from residential property shall be made two times weekly and shall conform to the schedule approved by the city manager.

(c) The Contractor shall maintain such state permits, insurance coverage and vehicle and service standards as established by the city manager and approved by the Mayor and Council.

(d) Collection service shall be discontinued for any Residential Premises where the standard or special containers used by the occupant of such Premises are inadequate or unfit and the occupant of such premises has failed or refused to correct the situation within 10 days after notice of the inadequacy or unfitness has been given.

(e) No garbage collections, whether commercial or residential, shall be made between 10:00 PM and 7:00 AM north of Interstate 75.

Sec. 5-2-8. - Collection charges.

(a) The fees for solid waste collection shall be as fixed from time to time by ordinance of the Mayor and Council and shall be billed by the city.

(b) The city shall maintain all records of pick-ups and shall have the responsibility for collecting the fees required by this section from each of its citizens benefiting from the garbage pick-ups by the Collector.

Sec. 5-2-9. - Smoke controls.

No person shall set fire to or burn waste in the city except as permitted by the city fire marshal in accordance with EPA and EPD restrictions.

Sec. 5-2-10. - Control of private disposal sites.

There shall be no solid waste disposal sites within the city limits."

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or

unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. That this Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Morrow.

Section 6. That the effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

ORDAINED this 27th day of March, 2018.

CITY OF MORROW, GEORGIA

Jeffrey A. DePar, Mayor

ATTEST:

Yasmin Julio, City Clerk

APPROVED AS TO FORM:

City Attorney

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