

**ORDINANCE
AMENDMENT
NO. __OA-2023-11__**

**CHAPTER 30 – SOLID WASTE
SECTIONS 30-1 through 30-21**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding solid waste, collection, procedures and enforcement; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate sewer use in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding solid waste, collection, procedures and enforcement serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 30 – SOLID WASTE, SECTIONS 30 – 1 through 30 – 21** are amended as follows:

Chapter 30 SOLID WASTE

Sec. 30-1. 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:

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

Composting means the controlled biological decomposition of organic matter in a stable, odor free humus.

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Municipal solid waste:

- (1) The term "municipal solid waste" means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas.
- (2) The term "municipal solid waste" does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including any commercial or industrial solid waste including, but not limited to, municipal solid waste landfills.

Municipal solid waste landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Refuse:

- (1) The term "refuse" means and includes garbage, rubbish, trash, and other refuse as those terms are generally defined.
- (2) The term "refuse" does not mean dead animals and fowl, body wastes, hot ashes, rocks, concrete, bricks, and similar materials; those things are expressly excluded therefrom.

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

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-2. Throwing refuse on streets.

It shall be unlawful for any person to place or throw garbage, trash, or other refuse on any street, sidewalk, public alley or other public areas of the city.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-3. Refuse not acceptable for collection by city—Enumerated.

The following shall be refuse deemed not acceptable for collection by the city:

- (1) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives.
- (2) Building or construction refuse including lumber, brick, concrete, rock, plaster, mortar, roofing materials and dirt.
- (3) Paint, oils, or any other hazards liquids.
- (4) Ashes containing hot embers.
- (5) Solid wastes resulting from industrial processes.
- (6) Furniture and/or appliances.
- (7) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the city. Yard trimmings shall be disposed of in accordance with city regulations.
- (8) Any other materials which have not been prepared for collection in accordance with this chapter.
- (9) Amounts of refuse more than an equivalent of eight 30-gallon containers per week.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-4. Inspection.

It is hereby made the duty of the public works director or designated representative, to make inspection trips at regular intervals to determine whether or not garbage, trash, recyclable materials and rubbish are being properly collected, removed and disposed of as required by this Code or any applicable health ordinance. In the event it is found that such ordinance or regulations are being violated, appropriate and timely action shall be taken to ensure full compliance with the provisions.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-5. Service requirement; exceptions; penalties; fee increases.

- (a) Each resident or each business shall be billed garbage collection fees as a part of the water and/or sewer utility billing subject to the billing procedures and penalties as stated in sections 40-19, 40-20, and 40-27.
- (b) Residents who receive their utility bill for water and/or sewer from Paulding County Water System but are located within the city limits of Dallas shall subscribe to the sanitation service provided by the city for the collection of garbage.
- (c) Those persons found guilty of improper disposal of their household waste shall be fined the maximum allowed by law per occurrence. Improper disposal shall include placing waste in commercial dumpsters, along roadways, vacant lots, another person's cart, and similar situations.
- (d) Exceptions:
 - (1) In a single-owner multifamily or multi-business location where a dumpster of adequate capacity, and at least two cubic-yard capacity is provided by a private collection service licensed by the city; or
- (e) The only purpose of the mandatory fees is to ensure that collections are made on a regular basis to prevent the unhealthy and unsightly accumulation and scattering of refuse, garbage and trash.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-6. Plastic carts—Provided by city.

- (a) Plastic wheeled carts shall be required for sanitation customers. The responsibility for obtaining such cart shall be upon the owner or occupant of the premises desiring and otherwise eligible, by the terms of this article. The owner or occupant of the premises is required to contact the City of Dallas Utilities Customer Service Department and request the delivery of a cart once an approved utility or sanitation account has been set up and deposit has been made.
- (b) Additional carts may be requested from the city by the owner or occupant and will be serviced according to the provision of this article. Additional carts requested will have an additional monthly service fee.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-7. Plastic carts—Placement for collection.

All refuse shall be placed in carts for collection. The carts shall be placed at street-side for collection purposes. The collection schedule shall be announced by the department of utilities and public works. If the carts are not near the street-side at collection time, this will indicate no service is needed.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-8. [Plastic carts]—Non-street-side collection.

Non-street-side collection will be provided for households within the city limits if all persons abiding in the household meet the following conditions:

- (1) Physically unable to walk a cart to the curb, due to being confined to a bed or confined to a wheelchair, or,
- (2) Physically unable to roll a garbage cart to street side, as certified by a medical doctor, or,
- (3) Older than 65 years of age,
- (4) Households that desire non-street-side collection not meeting requirements (1) through (3) above shall be charged a fee of \$21.00 per month for this service if approved by the public works director.

Each household desiring to receive backyard service must apply to city hall with the appropriate information. The household information will be verified and a decision provided. If the applicant is denied, the decision may be appealed to the governing body.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-9. Plastic carts—Time limit at street-side.

Carts shall be placed at street-side on the day before the scheduled collection day and carts shall be removed from street-side on the day of collection after the cart has been serviced.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-10. Plastic carts—Replacement.

- (a) The department of utilities and public works shall have the authority to require the replacement of any cart that is so worn or damaged as to hinder the effective street-side collection program.

- (b) Any cart that is damaged or destroyed through the negligence or misuse of the city shall be replaced at the expense of the city. The department of utilities and public works shall have the authority to determine in each case of damage whether the damage is sufficient to require replacement.
- (c) In all other cases in which a cart is rendered unserviceable, the city may replace the cart and charge the property owner for all replacement costs incurred in connection with the replacement. Fees are maintained by the city clerk on a fee schedule.
- (d) The property owner shall be responsible for replacement of any lost or stolen cart. Replacement fee will apply.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-11. Plastic carts—Not to be over-filled; placement of extra trash in disposable bags or boxes.

Carts shall not be filled to overflowing. Lid to container must be able to shut when refuse is placed inside. When carts are fully loaded, extra refuse cannot be placed in next to the cart or in containers not provided by the city. Should a customer need a special pickup due to overflowing refuse, request can be made through the utility's customer service department. Special pickups are subject to a fee. Fee is maintained on fee schedule by city clerk.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-12. Material not to be collected from premises where violation exists.

Refuse collectors are not required to collect from premises where the provisions of this chapter are violated. The failure to collect any trash or garbage from the premises because of a violation of the provisions of this chapter shall not relieve the persons responsible for such violation from prosecution and penalty therefor.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-13. Confinement of animals which interfere with collectors.

Occupants of premises shall facilitate collections of refuse by confining animals which might interfere with collectors.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-14. Frequency of collections.

Except as otherwise in this chapter provided and except in the case of emergency arising from an act of nature or under circumstances over which the director has no control, the department shall collect, remove and dispose of all household refuse and trash in the city once per week.

- (1) If a holiday should fall during the week in which an area is due a regular collection, such collection shall be made on the following workday, unless otherwise announced by the department of public works.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-15. Disposition so as to avoid pick-up service.

It shall be unlawful for any person to deposit any garbage, dirt, trash, dead animals or other refuse in any container provided or maintained by any owner, occupant, or tenant or lessee using or occupying any building, house or structure within the city for residences, schools, churches, colleges, lodges, commercial businesses in any quantity to avoid providing or subscribing to a service for the pick-up of garbage, trash, dirt, dead animals or other refuse at the residence or the site of the operations of the business of such persons.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-16. Disturbing containers.

It shall be unlawful for any person to uncover, pilfer, dig into, turn over or in any manner disturb any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-17. Refuse collection tiers of service; rate schedule maintained by clerk.

- (a) The rate of charge for the collection and disposal of refuse shall be determined utilizing different tiers of service, as follows:
 - (1) Single-family residences.
 - (2) Multifamily dwellings and apartment houses.
 - (3) Institutions, businesses, and industrial establishments.
- (b) Refuse collection rates are not printed herein, but are maintained by the clerk in a separate rate schedule.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-18. Private collectors prohibited; exceptions.

No private collector of garbage shall operate in the city. The collection of garbage shall be exclusively a municipal function except for the following exception:

- (1) Private collectors servicing commercial dumpsters and/or roll-offs can operate in the city in accordance with the provisions of this chapter.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-19. Refuse collection outside the city.

It shall be unlawful to use any city refuse collection vehicles or equipment to collect or dispose of refuse not within the corporate limits of the city.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-20. Franchises.

- (a) *Authority.* The mayor and council of the City of Dallas, Georgia, shall have the authority to grant the right, privilege and franchise to remove and dispose of solid waste in a commercial dumpster and/or roll-off within all zoning districts within the City of Dallas, Georgia. The franchise, authority or permit granted shall extend for a period not to exceed ten calendar years.
- (b) *Fees.* The grantee of a franchise to remove and dispose of solid waste via commercial dumpster shall pay to the city a fee in the amount of five percent of the total monthly billing collected. This fee shall be paid on or before the fifteenth day of each month for the collection of solid waste the preceding month. If the franchise fee shall be in arrears in whole or in part for 15 or more days, the mayor and council of the City of Dallas, Georgia, shall have the option to cancel the franchise. This franchise fee is subject to an annual increase by the mayor and council of the City of Dallas, Georgia, effective July 1 of every year.
- (c) *Records.* All books and records of a grantee concerning its operations within the City of Dallas, Georgia, and the collection of bills shall be made available for inspection and audit by the Finance Director or his/her designee within 30 days after any request for such inspection or audit.
- (d) *Additional contract and operational requirements.*
 - (1) The City of Dallas, Georgia, shall grant to companies a nonexclusive commercial dumpster and/or roll-off franchise contract to use the public streets, alleys, roads and thoroughfares within the City of Dallas, Georgia, for the purpose of operating and engaging in the business of collecting and disposing of solid waste by commercial dumpster; including, but not limited to, contracting with customers and providing service pursuant to the contract, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to the business of commercial dumpster solid waste collection and disposal. It shall be unlawful for any company to operate outside the terms of this section.
 - (2) The company may collect and deliver for disposal all solid waste accumulated in a commercial dumpster and/or roll-off within the corporate limits of the City of Dallas, Georgia, by the company's customers. The company will furnish the personnel and equipment to provide the services described herein and as contracted with its customers, in an efficient and businesslike manner.
 - (3) Any company that operates in the City of Dallas, Georgia, providing commercial dumpster solid waste collection and disposal services shall meet the following minimum requirements.
 - a. Obtain a solid waste handling permit from the director of the environmental protection division of the state department of natural resources, pursuant to O.C.G.A. § 12-8-24.
 - b. Use only vehicles and containers which comply with state EPD rules. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed to be substantially leak proof, constructed of durable metal, easily cleanable and designed to prevent litter from escaping during transport. Recycling

vehicles shall not be the same ones used for waste collection. Vehicles shall also meet all safety, size and weight requirements of the state department of transportation.

- c. Accurate monthly records shall be kept of the number of customers served and the monthly tonnage of solid waste handled, and provide a monthly report of these to the City of Dallas, Georgia Billing Clerk. The monthly reports shall also include a summary of all complaints received and resolutions of such during the reporting period. Reports should include, but not be limited to such items as new collection locations, collection locations served which do not show on the billing register, locations of new or replacement containers placed by the contractor performing curbside collection. The required reports shall be filed not later than ten calendar days after the last day of the preceding month. The final report format will be approved by the city manager of the City of Dallas, Georgia, or his designated agent. The city reserves the right to modify the report format and require more or different information throughout the term of the contract. The city reserves the right to terminate the awarded contract upon contractor's repetitive failure to comply with record keeping.

(Ord. No. OA-2021-09, 6-6-2021)

Sec. 30-21. Enforcement, Penalties.

- (1) It shall be the duty of the public works director to enforce these rules and regulations, and in performance of this duty the director or such director's authorized representative is hereby authorized to enter, at any reasonable hour, any premises as may be necessary for such enforcement. The chief marshal or his representative shall issue actual citations upon the request of the public works director.
- (2) Unless otherwise specified in this Chapter, any person or entity found in violation of this Chapter by the Municipal Court of this city shall be subject to a fine of up to \$500 and imprisonment up to 6 months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement, injunctive relief and revocation of any franchise, license, or permit issued by the city pursuant to this chapter.

(Ord. No. OA-2021-09, 6-6-2021)

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF
_____, 2023.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date