

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO PART II, CHAPTER 66, ARTICLE III, SECTION 66-104
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND PART II, CHAPTER 66, ARTICLE III, SECTION 66-104 OF THE EFFINGHAM COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

Sec. 66-104. General provisions.

(a) *Residential solid waste.*

(1) Collection services provided by residential service provider.

- a. All residential solid waste shall be collected by a residential service provider that has been issued a service agreement by the county.
- b. Residential service provider shall provide weekly curbside collection services in accordance with the terms of the service agreement issued by the county to the residential service provider.
- c. Each residential service unit owner may request collection of yard trimmings directly from the residential service provider that has been issued a service agreement by the county if collection of yard trimmings is not part of the service agreement.

(2) *Curbside collection services.*

a. Curbside collection services shall include:

1. *Collection of residential solid waste.*

- (i) Residential solid waste shall be collected by the residential service provider in accordance with the service agreement issued by the county.
- (ii) Residential solid waste shall be placed at the designated residential collection location in a storage container or cart provided by the residential service provider.
- (iii) Overage is not permitted.

2. *Collection of bulky waste and white goods.*

- (i) Bulky waste and white goods shall be collected by the residential service provider if required by the service agreement issued by the county.
- (ii) It shall be the responsibility of the residential service unit owner to ensure that prior to collection and disposal, white goods are empty of all foods and liquids, and that any CFCs and PCBs have been evacuated and captured by a certified technician in accordance with law, and the doors have been removed from freezers and refrigerators. The residential service provider shall not be required to collect white goods that do not meet these standards.

3. *Collection of residential recovered materials.*

- (i) Residential recovered materials shall be collected by the residential service provider if required by the service agreement issued by the county.
- (ii) Each residential service unit owner may contact the residential service provider or the county to request residential recovered materials collection service, and shall be required to place such residential recovered materials in the residential recovered materials storage container at the designated residential collection location for collection by the authorized residential service provider in a timely manner.

(3) *Non-curbside collection for special needs residents.*

- a. Any special needs resident shall be provided non-curbside collection of residential solid waste, residential recovered materials, bulky waste, white goods, and/or yard trimmings if required by the service agreement issued by the county, provided that the special needs resident;
 - 1. Obtains a physician's certificate certifying such special need; and
 - 2. Provides the physician's certificate to the residential service provider with a copy to the county.
- b. Non-curbside collection is available only if all adult persons residing in the residential service unit meet the requirements identified in subsection (b)(3)a of this section.
- c. This section also applies to temporary special needs not to exceed 90 days.
- d. Residential service providers may establish reasonable rules for the non-curbside collection of residential municipal solid waste, residential recovered materials, bulky waste, white goods, and/or yard trimmings from special needs residents who qualify under this article for such service.

(4) *Yard trimmings collection service.*

- a. Yard trimmings may be composted by a residential service unit owner on the owner's property in accordance with the laws and regulations of the state and county.
- b. If a residential service unit owner contracts for the yard trimmings collection service by a residential service provider, yard trimmings shall be segregated from the residential solid waste prior to their collection.
- c. This article shall not prohibit a residential service unit owner from disposing of yard trimmings through a third party that generated the yard trimmings as a result of its activities or services at the location of the residential service unit.
- d. A residential service unit owner may enter into a contract with the residential service provider that has been issued a service agreement by the county for the yard trimmings collection service.
- e. To request yard trimmings collection service, the residential service unit owner must contact the residential service provider directly if not part of service agreement with county.
- f. The residential service provider is authorized to charge, bill, and collect from the residential service unit owner a fee for the collection, processing and/or disposal of yard trimmings.
- g. The following provisions shall apply to the placement and collection of yard trimmings:

1. Yard trimmings shall be segregated from residential solid waste.
2. Yard trimmings shall be placed within the designated residential collection location.
3. A residential service unit owner shall not place, or cause, or allow to be placed, yard trimmings within the designated residential collection location for more than seven days.
4. Yard trimmings shall be placed in sturdy paper bags suitable for containing yard trimmings or in a container labeled for yard trimmings, excluding residential solid waste storage containers or carts, residential recovered materials storage containers, and plastic bags; or shall be tied in bundles weighing not more than 50 pounds each.
5. Yard trimmings are not to exceed four inches in diameter and three feet in length and bundles are not to exceed 50 pounds.

(5) *Elective services.*

- a. A residential service unit owner may contract with the residential service provider that has been issued a service agreement by the county for additional services for an additional fee to be billed by the residential service provider directly to the residential service unit owner.
- b. The residential service provider shall have the right, upon notice to the residential service unit owner, and simultaneous notice to the county, to terminate or suspend all elective services then being provided to a residential service unit owner by the residential service provider, in the event of nonpayment of fees due and owing directly to the residential service provider by the residential service unit owner.

(6) *Placement of containers and collection hours.*

- a. Each residential service unit shall place the residential solid waste storage container, bulky waste, white goods, and/or residential recovered materials storage container at the designated residential collection location, for collection by the authorized residential service provider, no earlier than the day prior to the day scheduled for collection.
- b. Except as otherwise allowed by the county, all collection of residential solid waste by residential service provider shall be performed between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday, or Monday through Saturday during a week which contains a holiday unless unforeseen circumstances causes a delay in waste pick up which could cause the waste to be picked up after 6:30 p.m.
- c. The residential service unit shall remove, or cause to be removed, the residential solid waste storage container or cart, and the residential recovered materials storage container, if applicable, within twenty-four (24) hours following the scheduled collection day. Upon removal from the right-of-way, such containers shall be situated no less than three (3) feet from the edge of the roadway and shall be maintained a minimum of five (5) feet from any other obstruction, including but not limited to vehicles, mailboxes, fences, and utility poles.
- d. At the point in time when the residential service unit owner places, allows, or causes to be placed, residential solid waste or residential recovered materials at the designated residential collection location, ownership of the residential solid waste and residential recovered materials transfers from the residential service unit owner to the residential service provider, except that ownership of unacceptable wastes shall not transfer to the residential service provider.

(7) *Residential service fee.*

- a. The board of county commissioners shall establish the residential service fee schedule, which may include any adjustments and discounts that it may deem appropriate.
- b. Each residential service unit owner is required to pay an annual residential service fee to the county for each 12 month service period, or portion thereof, to include in part an amount for administration of this article by the county and an amount for residential solid waste collection and disposal services and the related county solid waste and recovered materials programs.
- c. Residential service unit owners are required to request residential solid waste collection and disposal service and to remit to the county the applicable residential service fee prior to the county's issuance of a certificate of occupancy and initial occupancy of the residential service unit. New residential service unit owners shall initiate residential solid waste collection and disposal services by providing notice to the county or the designated residential service provider that the residential service unit has become occupied.
- d. The residential service fee shall be subject to periodic adjustment, as determined by the county and as provided in the service agreement issued by the county to the residential service provider. Such adjustments shall be made in accordance with the service agreement issued to the residential service provider and shall not require board action.
- e. The residential service fee may be collected by the county through the ad valorem tax statement for each residential service unit in unincorporated Effingham County or may be billed and collected through an alternative billing and collection process.

(b) *Residential service provider service agreements.*

(1) *Residential service providers.*

- a. All residential solid waste collection and disposal services shall be provided by the residential service provider selected by and having a service agreement with the county.
- b. Any person authorized by the county to provide residential solid waste collection and disposal services and residential recovered materials collection service in unincorporated Effingham County shall meet the requirements and qualifications established by the county and contained in this article.
- c. The county shall have the right in its discretion to incorporate terms and conditions in its service agreements with residential service provider as it deems appropriate to effect implementation of this article.
- d. The county is authorized to assign any service agreement with a residential service provider to an authority created by the county to administer residential solid waste collection and disposal service and residential recovered materials collection service.
- e. It shall be a violation of this article for any service provider except the county's designated residential service provider to provide residential solid waste collection and disposal services to any residential service unit in any unincorporated area in the county.

(2) *Minimum requirements.*

- a. The residential service provider designated by the county to provide residential solid waste collection and disposal services shall meet the minimum requirements for residential service providers in this article.

- b. All residential solid waste and residential recovered materials shall be delivered by the residential service provider to an authorized waste disposal facility, processing facility, recycling facility, transfer station, or other state authorized handling facility, as determined by the residential service provider. All residential service fees paid by the county to the designated residential service provider shall include the costs of solid waste transportation and disposal and the transportation and processing of residential recovered materials.
- (3) *Residential service provider performance.* The county shall monitor the performance of the residential service provider for compliance with all provisions of the service agreement and for compliance with the provisions of this article for residential solid waste collection and disposal services and other waste collection and disposal or processing services regulated by this article. The county shall be authorized to deduct from the payments due or to become due to an authorized residential service provider liquidated damages in amounts determined in the service agreement caused by failure of the authorized residential service provider to comply with the duties specified in the service agreement.
- (4) *Residential service provider selection.* In carrying out the purposes of this article, and subject to the provisions and requirements of this article, the service agreement for residential solid waste collection and disposal services, including elective services, shall be awarded to a residential service provider selected by the county, and such service agreement shall be exempt from the purchasing requirements of any other county ordinance or policy. The service agreement will be awarded at the discretion of the Effingham County Board of Commissioners and the board has the authority to select a service provider without following a bid process.
- (5) *Term of service agreements.* Subject to termination by the county pursuant to the terms of a service agreement, the county may enter into a multi-year service agreement.
- (6) *Reporting requirements.* Within 30 days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation under the service agreement, the residential service provider shall submit to the county reports of operation showing the following information:
- a. Tonnage figures showing total solid waste tonnage collected by service type;
 - b. Tonnage figures showing residential recovered materials collected, and proof of recycling in the form of manifest, bills of sale, or other records showing adequate proof of movement of the material to a recognized, and appropriately permitted recycled facility;
 - c. If requested by the county, the residential service provider shall provide proof of disposal of residential solid waste at state-approved disposal facilities and the name of each such facility. The residential service provider shall maintain at its place of business books and records showing the names and addresses of all residential service unit owners to whom residential solid waste collection and disposal services and residential recovered materials collection services have been provided. The residential service provider shall submit upon reasonable request of the county to a financial audit by a certified public accountant or auditor employed by the county. Financial information of the residential service provider shall be treated as confidential by the county. The county may request other information from each residential service provider if necessary to comply with state solid waste reporting requirements, internal measures, data needed to update or formulate an updated plan, or for other purposes.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ____ day of _____ 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

FIRST READING: _____

BY: _____
DAMON RAHN, CHAIRMAN

SECOND READING: _____

ATTEST:

STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK