

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA AT CHAPTER 74, SOLID WASTE, BY AMENDING ARTICLE II, HANDLING, STORAGE AND COLLECTION, AT SEC. 71-31, INTENT; POLICIES, AND SEC. 74-32, DEFINITIONS; ENACTING A NEW ARTICLE V, PRIVATE COLLECTORS; PERMITTING; TRANSPORTATION AND DISPOSAL OF WASTE (RECODIFYING PRESENT ARTICLE V AS ARTICLE VI); REAFFIRMING AND RESTATING THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREIN; REPEALING CONFLICTING ORDINANCES AND CODE PROVISIONS, OR PARTS THEREOF; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

The Code of Griffin, Georgia, is hereby amended at Chapter 74, SOLID WASTE, as follows:

Section 1. Article II, Handling, Storage and Collection, is hereby amended at Sec. 74-31(a) to read:

“Sec. 74-31. **Intent; policies.**

(a) It is declared to be the intent of the board of commissioners, in furtherance of the city's responsibility to protect the public health, safety and well-being of its citizens and to protect and enhance the quality of its environment by enacting policies governing the collection, storage and handling of solid waste, as that term is hereinafter defined in this article, in accordance with the comprehensive statewide program for solid waste management now in effect in the state. It is the purpose of this article to establish procedures to regulate solid waste handling, storage and collection by the city solid waste department and by those private collectors licensed to collect, store and handle solid waste generated from commercial and industrial sources within this city and to secure reliable data for solid waste management planning as part of the City’s goal for Wasteload reduction.”

Section 2. Article II, Handling, Storage and Collection, is further amended at Sec. 74-32 by adding the following definitions:

“*Board of Commissioners* means the Board of Commissioners of the City of Griffin, Georgia.

Bulky waste means such items as large household appliances (i.e., washing machines, clothes dryers, water heaters, stoves, refrigerators and dishwashers), furniture, tree stumps, large timber, car bodies, large bundles of carpet waste, large packing containers, tanks, and other items whose volumes are not significantly reduced through normal compaction methods.

Business day means a calendar day other than a Saturday, Sunday, or public and legal holiday as set forth in O.C.G.A. § 1-4-1.

Collector means a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid wastes from industries, offices, retail outlets, businesses, and/or similar locations, or from residential dwellings; provided, however, this definition shall not include an individual who collects and/or transports waste from a single-family dwelling unit owned or occupied by such individual or his or her immediate family member(s).

Collector permit means a permit required to engage in the business of solid waste collecting in the City of Griffin, Georgia, and issued by the City in accordance with the provisions hereof.

Day means a calendar day, unless otherwise specified.

Disposal or dispose means the discharge, deposit, discard, injection, dumping, spilling, leaking, throwing, or placing of any solid waste or hazardous waste into or on any land or water.

Environmental Protection Division means the Environmental Protection Division of the Georgia Department of Natural Resources, including but not limited to its director, and any successor entity or entities.

Hazardous Waste Management Act shall mean the Georgia Hazardous Waste Management Act, codified at O.C.G.A. §§ 12-8-60 through 12-8-83, as the same has been heretofore or may be hereafter amended.

Household hazardous waste means hazardous waste used or generated in the household or similar source or any item, product or material containing or contaminated by any household hazardous waste.

Person means an individual, trust, firm, joint-stock company, corporation (including a government corporation), consortium, joint venture, commercial entity, partnership, association, state, municipality, authority, commission, political subdivision of a state, or any interstate body and shall include each department, agency, and instrumentality of the United States.

Processing or processing operation means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

Putrescible waste means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Restricted waste, excluding municipal solid waste, means any solid, liquid, or sludge:

- (1) Contained in a drum, barrel, box, pail, transportable tank, or any other container;
- (2) Transported in a bulk tank;
- (3) Residue or waste from a pollution control process;
- (4) Residue or waste from an industrial process; and
- (5) Residue, debris, and waste from the cleanup of a spill or a release of a chemical substance or commercial product or waste associated with items (1) through (4) as above-mentioned.

Restricted waste shall include hazardous waste but shall not include household hazardous waste, provided that such household hazardous waste is disposed of at a solid waste handling facility designated by the City to accept such household hazardous waste and in accordance with the policies and procedures of the City. Other restricted wastes may include, but are not limited to, animal wastes and carcasses, asbestos, ash, biomedical wastes, chemicals, containers, clothing, debris, equipment and instruments, grease and oil, latex, plant (vegetal) materials, sludges, washwaters, or other wastes. Sources of such material include but are not limited to research, veterinary and medical laboratories, mortuaries, taxidermists, automobile washes and laundries (both commercial and industrial), publicly owned treatment works, and industrial treatment facilities, food processing and restaurant-related facilities. The City manager has the full authority to determine whether a waste is a restricted waste.

Solid waste handling facility means any location where any storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination thereof, occurs.

Solid Waste Management Act shall mean the Georgia Comprehensive Solid Waste Management Act codified at O.C.G.A. §§ 12-8-20 through 12-8-59.2, as the same has been heretofore or may be hereafter amended.”

Section 3. There is hereby enacted a new Article V. Private Collectors; Permitting; Transportation and Disposal of Waste, to read as follows (present Article V, Billing and Enforcement, will be recodified as Article VI and its sections renumbered accordingly):

“Sec. 74-120. **Permit required.**

(a) All solid waste generated or otherwise found within the City of Griffin, Georgia, shall either be collected:

- (1) By the City or its designees, or

(2) By persons holding valid collector permits for such activity, granted in accordance with this division. Each such collector permit shall expire on December 31 of the calendar year in which the initial permit issued pursuant to this division. Any collector permit holder desiring to renew an existing permit shall complete and submit to the City the application described in Sec. 74-121 not more than 90 days nor less than 60 days before the expiration date thereof. A collector permit issued pursuant to the provisions of this division shall be a mere grant or privilege to carry on the business during the term of such permit and subject to all terms and conditions imposed by this division and related laws and other ordinances and resolutions of Board of Commissioners of the City of Griffin, Georgia.

(b) This division shall not be construed to require a permit for the transportation of waste through the City, so long as such waste was not generated within the borders of the City of Griffin.

Sec. 74-121. Collector permit application, issuance, and appeal procedures; fees.

(a) Within ninety (90) days after the effective date of this article, each collector then operating within the City must submit an application for a collector permit to the City on a form approved by the City Manager. The applicant shall, under penalty of perjury, certify that all information contained in the permit application and all information submitted in connection with the permit application is true and correct. At a minimum, the application for a collector permit shall require a collector to provide the following information:

- (1) The name, address and telephone number of the applicant.
- (2) A list of all vehicles proposed to be used in the City of Griffin, Georgia, for the purpose of collecting solid waste, including the following information for each vehicle:
 - a. The state motor vehicle registration number;
 - b. Description of chassis by year and manufacturer;
 - c. Description of the body by year and manufacturer;
 - d. The legal weight limit;
 - e. The volume of the body of the vehicle in cubic yards; and
 - f. A certification by the collector that it maintains motor vehicle liability insurance coverage for each vehicle in an amount not less than the minimum coverage required under Georgia law.
- (3) A list of the area or areas served by the vehicles listed in the permit application. The applicant is obligated to notify the City of changes to the list within ten (10) days.

- (4) A list of all contracts and agreements covering the collection of solid waste generated within the City. This list shall include the name(s) of the parties to the contract or agreement, the term of the contract and the termination date of the contract, and the name(s) of any disposal location(s) specified in the contract or agreement.
 - (5) A copy of the notification required by O.C.G.A. § 391-3-4.06(2) solid waste management (permit by rule for collection, transportation, processing, and disposal).
 - (6) Any additional data and information deemed necessary by the City, the City manager, or any of his or her designees in order to verify the accuracy of information contained in the permit application forms and attendant documents.
- (b) The collector permit fee shall be \$100.00 per collector payable to the City at the time the initial permit application is filed and at the time each renewal application is filed thereafter; provided, however, that the permit fee required hereunder shall be waived for the City of Griffin, Georgia. The fee imposed by this section is intended to cover the administrative cost of registration and permitting and it is not the intent of this article to regulate private collection services within the City. Should the Board of Commissioners deem a future increase in the collector permit fee necessary, it shall first conduct a public hearing, with not less than 30 days written notice to all collector permit holders.
- (c) An application for an initial or renewed collector permit submitted pursuant to this division may be granted or denied by the City manager or his or her designee. Application may be denied only for one or more of the following reasons:
- (1) The applicant has failed to provide some or all of the information required by subsection (a) of this section.
 - (2) The applicant has supplied false information to the City or any other employee, officer, or official of any agency, department, or authority of the City of Griffin, Georgia, Spalding County, the State of Georgia, or the United States.
 - (3) The applicant has failed to pay any permit fee, rates, fees, penalty, or interest required or imposed under this division or has otherwise failed to comply with any of the provisions contained in this division.
 - (4) The applicant has failed to comply with any applicable legal or procedural requirements imposed by state law.
- (d) The City Manager or his or her designee shall grant or deny a collector permit application within 60 days of the applicant's submission of a completed application. If the collector permit application is denied, written notice, stating the reason(s) for

denial, shall be served on the applicant by certified mail; the applicant may appeal such denial by filing a written appeal with the City Manager within ten (10) days of the denial. A hearing shall then be set before the Board of Commissioners and written notice of such hearing shall be sent to the appellant by certified mail. Ten business days' written notice shall be deemed reasonable, but a longer period of notice may be authorized as the Board of Commissioners may deem justified by the circumstances. Unless the circumstances justify otherwise, the hearing shall be held within thirty (30) days of the appeal being filed with the City Manager. The Board of Commissioners may affirm, reverse, or modify the permitting decision.

Sec. 74-122. Collector vehicle requirements.

- (a) A collector may only use a qualifying vehicle to collect or transport solid waste within the City of Griffin, Georgia.
 - (1) To qualify, a vehicle must be owned or leased by the applicant and must be listed in the permit application described in Sec. 74-121. If a collector obtains a vehicle that the collector intends to use for purposes of collecting solid waste after the permit application is filed, the collector shall provide the information required by subsection (a)(2) to the City on forms approved by the City Manager within ten (10) days of the acquisition, purchase or lease of the qualifying vehicle.
 - (2) A qualifying vehicle shall have the business name, business address, and/or telephone number, tare weight and vehicle identification number painted or permanently affixed to each side of the vehicle in letters and numbers at least three inches in height. A regularly used business logo may also be displayed. No other names or numbers, not required by law, shall be displayed.

- (b) Vehicle construction and maintenance. Solid waste disposal vehicles utilized by collectors of solid waste must meet the following minimum requirements both prior to and after the issuance of a permit:
 - (1) The collection vehicle body shall be capable of being readily emptied.
 - (2) The collection vehicle shall be kept in a sanitary condition.
 - (3) The collection vehicle must be so equipped that all loading openings on the bodies have tightly fitting doors or covers which latch, clamp or fasten to keep them closed and rubber or other suitable gasket to render them leakproof, spillproof, dustproof and odorproof to the maximum extent practicable.
 - (4) Roll-off boxes must be of welded construction and doors must be tightly fitted so as to render them leakproof and spillproof. Provisions shall be made to facilitate application of a tightly fitting tarpaulin cover or diaper.

- (5) All unloading doors must be equipped with chains to keep them securely fastened in an open position when unloading.
- (6) The collection vehicle shall be equipped with heavy-duty front hooks, loops or shackles, good and serviceable tires and other accessories as necessary for operation and/or navigation in or about any solid waste handling facility operated by the City.
- (7) Each collection vehicle used or proposed for use by a collector together with the contents of any collection vehicle shall be subject at all times to inspection by law enforcement personnel and the City prior to discharge of the contents.

Sec. 74-123. Transporting waste.

Each collector shall comply with the following requirements of transporting solid waste generated in the City:

(a) Solid waste shall be suitably enclosed or covered to prevent littering, spillage of solid waste or fluids, and infiltration of rainwater. Tarpaulins must be used to cover compactor box openings, roll-off tops, or other openings. Tarpaulins must be kept in good repair at all times.

(b) Any spillage of solid waste on the roads leading to or on any solid waste handling facility is the sole responsibility of the person transporting such waste and shall be immediately cleaned and removed by the person transporting such waste. Any and all costs incurred by the City related to any such spillage shall be immediately remitted to the City by the person transporting such waste. This provision is in addition to any penalties authorized elsewhere by any other provision of law.

Sec. 74-124. Disposal of waste.

Except as otherwise specifically provided in this division, any person who collects solid waste generated in the City of Griffin, Georgia, (other than restricted waste rejected by the City) shall dispose of such waste at a solid waste handling facility operated by the City. This section shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal.

Sec. 74-125. Collector records.

(a) Each collector permitted to collect solid waste in the City of Griffin shall keep such records, receipts, invoices, and other pertinent papers in such form as the City Manager or any of

his designees may require and for a period no less than three years. Such records, receipts, invoices, and other pertinent papers shall include, but not be limited to, documents evidencing the tonnage of waste each collector has collected within the City, the solid waste handling facility or disposal site where such waste is deposited, and the date(s) of disposal.

(b) The City Manager or any of his designees may examine the books, papers, records, financial reports, equipment, and other facilities of any collector permitted to collect solid waste in the City in order to verify compliance with this division.

Sec. 74-126. Solid waste facility procedures, rules, and waste acceptance policy.

(a) *Establishment of policies and procedures.* In order for the City to safely and cost effectively manage solid waste generated within the City, the City Manager or his designee shall establish policies and procedures for the acceptance of restricted waste at any solid waste handling facility operated by the City.

(b) *Acceptance of solid waste.* Municipal solid waste and commercial solid waste generated in the City of Griffin shall be accepted at the appropriate solid waste handling facility operated by the City, subject to any fees and rates established pursuant to Sec. 74-40 of this Code and any other policies and procedures established by the City. Only industrial solid waste that has been evaluated by the City pursuant to policies and procedures established by the City Manager or his designee may be accepted for disposal, provided that the acceptance of such waste is consistent with the Solid Waste Management Act, the Hazardous Waste Management Act, or the rules and regulations promulgated by the Environmental Protection Division under the authority of those statutes.

(c) *Hazardous waste.* No hazardous waste will be accepted for disposal at a solid waste handling facility operated by the City other than household hazardous waste that has been approved for acceptance by the City. No person shall deposit or attempt to deposit hazardous waste at any solid waste handling facility operated by the City or on the City's property, other than household hazardous waste that has been approved for acceptance by the City.

(d) *Yard trimmings.* Yard trimmings will only be accepted at a solid waste handling facility operated by the City and in compliance with any policies and procedures of the City, O.C.G.A. § 12-8-40.2, any successor statute, and the rules and regulations promulgated by the Environmental Protection Division under the authority of that statute.

(e) *Other solid waste.* All other solid waste generated in the City of Griffin, including but not limited to asbestos, bulky waste, construction or demolition waste, and scrap tires shall only be accepted at a solid waste handling facility operated by the City or at such other solid

waste handling facility as designated by the City, in compliance with the policies and procedures established by the City manager and any applicable rules and regulations promulgated by the Environmental Protection Division.

(f) *Authority.* The Board of Commissioners shall have the authority to establish any other policies and procedures it deems necessary to address the solid waste management needs of the City of Griffin, including, but not limited to, limitations of liability, reservation of rights, and general rules for the operation of City facilities. In addition, the Board of Commissioners shall have the authority to establish penalties for violations of its rules and regulations, including, but not limited to, the temporary suspension of a collector's permit (not to exceed 30 days) and permit revocation subject to the provisions of Sec. 74- 130 of this article.

Sec. 74-127. Disposal fees.

(a) The Board of Commissioners, upon recommendation by the City Manager or his designee, shall establish all rates and fees collected or assessed in accordance with this chapter, including but not limited to tipping fees for any waste deposited at a solid waste handling facility operated by the City.

(b) The City Manager shall annually review all rates and fees collected or assessed in accordance with the division and may recommend adjust or eliminate any such rates and fees. Nothing herein shall be construed to prohibit the City from changing such rates and fees, provided, however, that no adjustment to such rates and fees may occur without 30 days' public notice.

(c) All fees imposed or collected by the City shall comply with O.C.G.A. § 12-8-39 and any successor statute.

(d) The City is specifically authorized to require a letter of credit or a bond from any collector to ensure payment of rates and fees, including tipping fees. The City Manager shall establish the minimum letter of credit or bond amount that may be required, but in no event shall the amount of any letter of credit or bond be less than the previous month's tipping fees from the collector who is required to post the bond or provide the letter of credit.

Sec. 74-128. Emergency powers; right to assume collection.

(a) The Board of Commissioners of the City of Griffin, Georgia reserves the right to assume responsibility for all or part of the collection of solid waste in the City should it be determined that this is in the best interest of the health and welfare of the residents of the City of

Griffin, Georgia. Such action shall be on a temporary basis, not to exceed 30 days, until a hearing before the board taking such action is held.

(b) Prior to the hearing described in subsection (a) above being held, notice to all affected holders of collector's permits of the time, place, and purpose of such hearing shall be given by prior certified written notice. Three business days' written notice shall be deemed reasonable, but a shorter or longer period of notice shall be authorized as the board may deem justified by the circumstances.

(c) The proceeding shall be as informal as is compatible with due process. All interested parties, including the City or its designee, shall be allowed to present any evidence, documents, or statements to support their position. The board will then determine whether the action described in subsection (a) above should be made permanent or whether any other action by the board is justified under the circumstances, including, but not limited to, entering into an exclusive franchise agreement for the collection of solid waste within the City of Griffin, Georgia.

(d) Any person adversely affected by any decision made by the board pursuant to this division and desiring to appeal further must do so by writ of certiorari directly to the Superior Court of Spalding County within 30 days of such adverse decision. There shall be no intermediate appeal to any other body.

Sec. 74-129. Enforcement and penalties.

(a) Unless otherwise specifically provided by resolution of the Board of Commissioners of the City of Griffin, Georgia, the enforcement of this article shall be within the jurisdiction of the City's enforcement personnel, including law enforcement personnel, employees of the City empowered to enforce codes and ordinances, and the City Manager and his designees.

(b) Each day a violation continues shall constitute a separate violation.

(c) To facilitate the enforcement of this division, the City Manager or his designees shall have the authority to request documents and information from any person generating solid waste within the City of Griffin that demonstrate or otherwise evidence the solid waste such person generates or has generated in the City of Griffin, Georgia.

(d) Subject to the limitations provided by O.C.G.A. § 36-35-6, a violation of any section of this division shall result in the following:

- (1) A fine of not less than \$500.00 for the first violation;
- (2) A fine of not less than \$750.00 for the second violation;

- (3) A fine of not less than \$1,000.00 for a third violation and each subsequent violation; and
- (4) The City manager may, at his option, indefinitely revoke a collector's permit(s) for the fourth and all subsequent violations. Any revocation will be subject to the provisions of Sec. 74- 130 of this article.

(e) Any violator of this article shall be cited to appear before the Municipal Court of the City.

(f) Nothing contained in this division shall be construed to limit or constrain any federal or state agency or authority from enforcing federal or state laws and regulations, including, but not limited to, those laws and regulations regarding the generation, collection, transportation, and/or disposal of solid waste or hazardous waste in the City of Griffin, Georgia.

Sec. 74-130. Permit revocation.

(a) To revoke a collector's permit, the City Manager shall bring before the Board of Commissioners, at the next regularly scheduled meeting, a request to revoke indefinitely a collector's permit. Notice to the holder of such permit of the time, place, and purpose of such hearing shall be given by certified mail. Ten business days' written notice shall be deemed reasonable, but a longer period of notice may be authorized as the Board of Commissioners may deem justified by the circumstances.

(b) In all hearings before the Board of Commissioners conducted pursuant to this article, the following procedures shall apply; and the proceeding shall be as informal as is compatible with due process:

(1) The chairperson of the Board of Commissioners shall read or cause to be read the charges against the permit holder. The chairperson shall then read or cause to be read any response filed by the permit holder.

(2) The Board of Commissioners shall hear the evidence upon which the charges have been filed against the permit holder and shall not consider any additional evidence beyond the scope of these charges. The board may exclude evidence which is purely cumulative in nature.

(3) The order of proof shall be as follows:

- a. The City Attorney shall present evidence in support of the charges.
- b. The permit holder or its attorney shall then present its evidence.
- c. The Board of Commissioners shall allow each party to present rebuttal evidence.

d. The evidence of each party may be supported by the submission of pertinent documents and/or testimony.

(4) The permit holder and the City may each be represented by counsel, and may present, examine, and cross-examine witnesses. Additionally, the Board of Commissioners may question both parties and all witnesses to obtain any information deemed necessary to evaluate the charges.

(c) Upon the conclusion of the presentation of the evidence, the Board of Commissioners may indefinitely revoke the collector's permit, suspend the collector's permit for a period of time it deems justified, or allow the collector to retain the permit with or without additional conditions that the Board of Commissioners deems justified by the circumstances. A written decision shall be entered, setting forth the reasons found, and served upon the collector, either personally or by certified mail.

(d) Any person adversely affected by any revocation made by the Board of Commissioners and desiring to appeal further must do so by writ of certiorari directly to the Superior Court of Spalding County within 30 days of such adverse decision. There shall be no intermediate appeal to the City of Griffin, Georgia, or to any other body.

Sec. 74-131. Prospective application; severability of provisions.

This division shall not have retroactive effect or application, nor shall it be construed to have such an effect or application. This division shall have prospective application only.”

Section 4. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 5. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 6. This ordinance shall become effective January 1, 2010.

Public Hearing and First Reading: July 14, 2009

Second Reading and Adoption: July 28, 2009