
AN ORDINANCE

THE MAYOR AND BOARD OF ALDERMEN DO HEREBY ORDAIN THAT CHAPTER 78, SOLID WASTE OF THE CITY OF ACWORTH, GEORGIA, CODE OF ORDINANCES IS HEREBY AMENDED.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ACWORTH, GEORGIA, THAT:

Section 1: Chapter 78 – Solid Waste of the City of Acworth, Georgia, Code of Ordinances is hereby amended to read as follows:

Sec. 78-1. 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:

Construction Debris means any items that are produced from the act of demolishing, remodeling, or constructing a building, residence, or structure. Items such as lumber, electrical materials, roofing materials, drywall, carpet, tile, and other flooring, plumbing materials, doors, glass, and windows.

Disposal facility means any facility or location where the final treatment, utilization, processing, or deposition of solid waste occurs.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. Non-putrescible solid wastes (except body wastes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, and glass bottles.

Hazardous waste means solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludge; and other waste material determined to be a likely hazard to the public health, safety or environment, except radioactive waste materials as provided for in rules of the state department of human resources, chapter 270-5-20, entitled "Radioactive Materials."

Industrial waste means waste materials generated in industrial operations.

Large items means any items that cannot fit wholly inside of the provided 95 gallon cart, examples include but are not limited to: mattresses of any size, washing machines, dryers, automatic dishwashers, refrigerators, couches, sofas, love seats, desks, tables, or partial portions of these and any other items for disposal with weights in excess of 50 pounds, or piles of solid waste items deposited at curbside by rental customers of residential dwellings upon moving out or eviction.

Private contractor means a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions and/or similar locations; however, this definition shall not include an individual collecting and/or transporting waste from his own single-family dwelling unit.

Putrescible wastes mean wastes that are capable of being decomposed by microorganisms, including kitchen wastes, manure, offal, hatchery and poultry wastes, and household garbage.

Scavenge means uncontrolled picking from discarded waste materials.

Solid waste means putrescible and non-putrescible wastes, except water-carried body wastes, including garbage, yard waste, large items, and recycling.

Yard waste/dry items means yard clippings, limbs or cuttings cut from a tree or bush by the property owner, which do not exceed four inches in diameter nor four feet in length. Waste such as large cardboard boxes, , pottery, sections of lumber no larger than four feet in length and four inches in diameter, household remodeling items (drywall and paneling) broken down to sections no greater than four feet in length and less than 50 pounds, doors, windows, sheets of glass no larger than three feet by three feet and not broken with jagged edges, and similar type materials. Dimensions for each scheduled pick-up shall not exceed a measurement of 4'x6'x4' or equivalent. Dirt, mulch, and rocks are not collected by the city sanitation service.

Sec. 78-2. Enforcement.

- (a) *Generally.* The director of public works or their designee shall be responsible for the administration and enforcement of this chapter. In the exercise of their solid waste management duties, the director shall:
- (1) Supervise the collection of solid waste, including the operation and maintenance of equipment and the supervision of personnel.
 - (2) Establish refuse collection schedules in accordance with the provisions of this chapter.
 - (3) Supervise the operation and maintenance of the disposal sites or facilities.
 - (4) Inspect and regulate the operations of private collectors and private transportation and disposal systems to ensure that such operations are in compliance with the provisions of this chapter.
- (b) *Limitations of authority.* All regulatory actions of the director of public works shall be subject to the review of the city manager.
- (c) *Appeal.* Any person aggrieved by a requirement of, or a fee charged by, the director of public works shall have the right to appeal to the city manager, which may, upon hearing, confirm, modify, or revoke such requirement or fee.

Sec. 78-3. Purpose.

The purpose of the rules and regulations contained in this chapter is to provide for the protection of the public health by prescribing the manner of storage, collection, transportation, and disposal of residential, commercial, and industrial solid waste to a disposal facility. For the health, safety, and welfare of the citizens of the city, all single-family dwellings and two-family dwellings shall be required to have solid waste collection service provided by the city. Multifamily dwellings not serviced by a centralized, containerized solid waste facility shall be required to have solid waste collection service provided by the city.

Sec. 78-4. Pre-collection.

- (a) *Storage.* No person shall keep or store solid waste outside of any residence or building within the city, except in proper containers for collection or otherwise prepared, as set forth in this chapter or under the express prior approval of the director of public works.
- (b) *Containers.*
- (1) The owner or occupant of each residence or establishment shall be provided one 95-gallon rolling garbage container. Customers establishing new accounts shall pay a deposit prior to receiving their container. Customers wishing to have a second container may do so by paying a deposit plus the additional monthly charge for collection of the second container. Deposits will be returned when a resident moves from their home and returns the 95-gallon container to the city.
 - (2) All 95-gallon containers have a serial number on them and are assigned to a specific address. Residents/homeowners shall not move a container from one property to another. The city shall have the right to collect any container that it finds at an incorrect address.
 - (3) Residents/homeowner are responsible for the proper care of their container. The resident/homeowner shall be responsible to pay for the replacement of any container damaged due to neglect or misuse.

The container replacement cost shall be listed on the in the schedule of fees and charges on file in the office of the city clerk.

- (4) Household refuse not placed in the city provided container will not be collected by the city sanitation crews. All refuse is to be bagged and tied before being placed into the refuse container. Bags next to or stacked on top of a container will not be picked up.
- (c) *Yard waste/dry items.* Yard waste may be stored for collection in paperboard boxes or other throwaway containers strong enough to retain the waste; loose paper or cuttings shall be tied in bundles. Yard waste containers shall not exceed 50 pounds in weight. Tree limbs or cuttings cut from a tree or bush by the property owner shall not exceed four inches in diameter or four feet in length. Bundles shall not exceed 50 pounds in weight. The dimensions for each pick-up shall be no greater than 4'X6'x4' (or equivalent), or no more than five (5) reusable bins measuring 35 gallons, or no more than ten 30 gallon or less paper lawn & leaf yard waste bags.
- (d) *Large items.* Large items must be placed by the curbside away from obstructions, e.g., mailboxes, trees, utility boxes for collection in a manner that will not hinder the free flow of pedestrian and automotive traffic. Items for collection must display the proper collection tag in plain view.

Sec. 78-5. Items not collected.

The city solid waste collection service will not pick up items such as tires, batteries, construction debris, large remodeling items, wet paint, large tree limbs, rocks, dirt or logs, large lumber, pool chemicals, hazardous waste, or other forms of solid waste, including large dead animals.

Sec. 78-6. Collection schedule.

- (a) The city sanitation department will provide once a week collection services for, garbage, yard waste/dry items, large items. The sanitation department shall provide to all residences a schedule of the day of the week that the above items shall be picked up.
- (b) If collection of solid waste is not picked up in accordance with the approved schedule, due to weather, holiday or equipment failure, the approved schedule collection will be resumed on the following collection day with additional crews to maintain the regularly scheduled route as available.
- (c) The city recognizes that certain holidays cause more waste to be produced in households. For the benefit of our residents, the city will provide additional pickup services on the next scheduled pickup after each of these holidays: New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. On this pickup, residents may also place the following next to their Sanitation bin: Up to six (6) additional 13-gallon plastic bags, OR two (2) additional 55-gallon bags. On the regularly scheduled sanitation service day after Christmas, the city will allow additional boxes (broken down) and smaller items to be placed next to the curb for pickup

Sec. 78-7. Collection rules for garbage.

- (a) All garbage must be placed in plastic garbage bags with the garbage bags placed in city provided garbage containers. Loose paper and other forms of trash must not be allowed to be blown from the container by wind.
- (b) Garbage cans must be placed at the curb or edge of paved roadway, in front of the dwelling for pickup no later than 6:30 a.m. on the scheduled day of pickup.
- (c) All garbage or trash that is mixed with water or other liquids shall be drained before being placed in the garbage bags.
- (d) All garbage containers must be placed for collection in a manner that does not affect the free flow of pedestrian or automotive traffic.

Sec. 78-8. Collection rules for yard waste/dry items.

- (a) Yard waste/dry items must be placed by the curb no later than 6:30 a.m. on the scheduled day of pickup.
- (b) All leaves and yard clippings must be bagged and tied in either paper or plastic bags.
- (c) Bundles of brush and limbs from trees or shrubs by the property owner must be tied and shall not exceed four feet in length and 50 pounds in weight. Limbs shall be no larger than four inches in diameter.
- (d) Cardboard boxes shall be cut down to lay flat and not exceed three feet by three feet and stacked neatly by the curbside.
- (e) Box springs and bedding shall be placed neatly by the curbside.
- (f) Pottery, sections of lumber not exceeding four inches in diameter and four feet in length shall be stacked neatly by the curbside.
- (g) Household remodeling items (drywall and paneling) shall be broken down into section no greater than four feet in length and totaling less than 50 pounds and stacked neatly by the curbside.
- (h) Doors, windows, and sheets of glass no larger than three feet by three feet and not broken with jagged edges, and similar type material shall be placed neatly by the curbside.
- (i) All screws and nails must be either removed or beaten flat for safe handling (refer to section 78-11).

Sec. 78-9. Collection rules for large items.

- (a) The city will collect large appliances, tables, couches, chairs, mattresses, box springs and other forms of solid waste generated from single and multifamily dwelling units, provided the residents contact the city in advance to make arrangements for a large item pickup.
- (b) Large items must be tagged with a large item pickup tag placed on the item to be picked up in plain view for the city sanitation crews.
- (c) A separate service fee as adopted by the Mayor and Board of Aldermen for large item pickup will be charged per item upon scheduling of said pickup service.

Editor's note(s)—Ord. No. 2002-28, adopted Aug. 1, 2002, repealed the former § 78-9Editor's note(s)— which pertained to collection of recyclables and derived from Ord. No. 2000-8, adopted March 2, 2000. Said ordinance renumbered §§ 78-10Editor's note(s)—78-17 as 78-9Editor's note(s)—78-16.

Sec. 78-10. Collection rules exemptions.

An exemption from the requirements set forth in sections 78-8 and 78-9 may be granted if the household submits a written application to the director of public works that all individuals residing in a dwelling are not physically capable of complying with the requirements of these sections due to disability or other physical impairment/limitations. If an exemption is granted, the director of public works shall make arrangements as to how collection will be handled.

An exemption from the requirements set forth in section 78-8(b) may be authorized by the mayor and board of aldermen for certain areas of town each fall for areas of town that receive a heavy leaf fall.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-11. Collection of sharp objects.

No person shall place or cause to be placed with solid waste to be collected by the sanitation department any needles, syringes, lancets, scalpel blades, broken glass, sharp metals, and other objects that may cause punctures or cuts unless they are first placed in an appropriate container. An appropriate container is one that is

rigid, puncture-resistant, break-resistant, and tightly lidded during the handling and transport of solid waste by the sanitation department.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-12. Fall Leaf Collection.

The city may establish and operate a Curbside Vacuum Leaf Collection Program to minimize impacts to the city's stormwater management system. The Mayor and Board of Aldermen shall adopt through a resolution a map with the boundaries of the district. Curbside leaf collection is an annual city service that begins in November and ends in late January depending on weather conditions. Vacuumed leaf collection will be limited only to the area designated by the Mayor and Board of Alderman via resolution and map.

- (a) The Curbside Vacuum Leaf Collection Program is performed annually from November 1 to January 31.
- (b) Loose leaves may be placed at curbside for collection Monday through Saturday, on weeks scheduled by the Public Works Department. Pickups that are delayed by inclement weather will be scheduled the next business day or as soon as possible.
- (c) Leaves must be placed in the space behind the curb and not blocking the sidewalk or in the roadway. Piles should not be placed near fire hydrants, mailboxes, or utility boxes. Leaves placed on top of tarps, or any other textile will not be serviced.
- (d) Piles must contain leaves only. Piles containing yard trash, tree trimmings, twigs, grass trimmings, mulch, soil, rocks, etc. will not be serviced.
- (e) For periods outside of the curbside leaf vacuuming season, and for areas outside of the designated areas, leaves must be bagged in a bio-degradable non-plastic or containerized, not to exceed 50 pounds per parcel for pick-up Monday through Friday in conjunction with the regular sanitation collection schedule.
- (f) A "Notice of Violation" will be given to residents for failure to comply with protocols of the Curbside Vacuum Leaf Collection Program, which may result in fines and penalties.

Sec. 78-13. Scavenging.

No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from containers, boxes or bundles containing solid waste.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-14. Unauthorized collection of recovered materials.

No person other than the owner of recovered materials or authorized collector of recovered materials shall remove recovered materials that have been separated from other waste materials and placed at a designated collection location for the purpose of recycling. Recovered materials means recyclable materials that have been deposited at a designated collection location for the purpose of recycling.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-15. Use of garbage dumpsters and containers.

- (a) No person, other than active employees of the city, shall place waste material into a city owned and maintained garbage dumpster or container.

- (b) No person shall place solid waste into a private or commercial garbage dumpster or container intended for use by a location different from where the solid waste was generated; however, where such container serves a business location, the operator of such location and his employees may place solid waste in the container.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-16. Private contractors.

Private contractors are only allowed to provide solid waste collection to commercial, industrial facilities, and multifamily dwellings that utilize a centralized, containerized solid waste collection system for solid waste removal. All vehicles used for collection and transportation of solid waste by private contractors shall be kept clean and in good repair. They shall be constructed in such manner that the contents cannot be spilled, leaked, or blown from the vehicle. They shall be readily identifiable by letters, not less than three inches high and easily legible, painted on the door of the vehicle cab or in an equally conspicuous place, showing the owner's name, telephone number, state permit number, truck number and rated load capacity in cubic yards. All disposal of solid waste shall be at disposal sites operated in accordance with state laws and with rules and regulations of the state department of natural resources, and at no other place.

Note(s)—See the editor's note to § 78-9Note(s)—.

Sec. 78-17. Fees.

- (a) Charges for public collection and disposal of all materials listed in section 78-6 shall be as set forth in the schedule of fees and charges on file in the office of the city clerk.
- (b) The service charges provided for in section 78-6 are levied against both the owner and the occupant of premises served, jointly and severally; but collecting from one shall relieve the other.

Note(s)—See the editor's note to § 78-9Note(s)—.

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 3: All Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall become effective upon passage by the Mayor and Board of Aldermen of the City of Acworth and signature of the Mayor subject to Georgia Laws 1983, page 4119.

Date: November 4, 2021



Thomas W. Allegood, Mayor

Attest:



Regina R. Russell, City Clerk