

Subject Matter: Solid Waste Management Ordinance
**Date First Presented and Read by Council at
Public Meeting:** November 4, 2002
**Date of Adoption and Second Reading at a
Public Meeting:** December 2, 2002

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 02-09

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE & FINDINGS

WHEREAS, the Town of Sharpsburg desires to create and adopt a Solid Waste Management Ordinance; and

WHEREAS, the Town of Sharpsburg finds a Solid Waste Management Ordinance will provide for a cleaner, healthier Town and will provide for a more uniform and discrete process for the containing and disposing of solid waste which, in turn, aids in the health, safety, general welfare and aesthetic virtue for the Town and its people; and

WHEREAS, it is the desire of the Town of Sharpsburg to promote and to provide for the health, safety and general welfare of its citizens, it is the desire of the town to enact this Solid Waste Management Ordinance.

WHEREFORE, THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING SOLID WASTE MANAGEMENT ORDINANCE AS FOLLOWS:

SECTION ONE

Sec. 58-1. Definitions.

As used in this chapter, the words below shall have the following meanings:

Ashes means residue from fires used for cooking and for heating buildings.

Container means any receptacle designed or used for the depositing of garbage, refuse, trash, ashes, or recyclable materials.

Dumpster, recyclable means a receptacle, designed for the depositing of recyclable material, made of any material and having a capacity of two cubic yards or more.

Dumpster, refuse means a receptacle designed for the depositing of garbage, refuse, trash, ashes or reusable materials, made of any material and having a capacity of two cubic yards or more.

Garbage means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

Recyclable material means material that is capable of being reused or returned to use in the form of a raw material.

Refuse means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catchbasin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations.

Reusable material means items or materials that can be reused with little or no value added.

Sec. 58-2. Administrative regulation.

The town clerk of the Town of Sharpsburg shall not issue a business license or certificate of occupancy to any person, firm, or corporation which has not complied with the requirements of this ordinance. The violation, noncompliance, or other violation of an administrative order issued by the town manager, under this Ordinance, will be grounds for suspension or revocation of business licenses.

Sec. 58-3. Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined up to \$200.00 for each offense and a separate offense shall be deemed committed on each day during or on which a violation continues.

Sec. 58-4. Wind-blown refuse.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material capable of being blown away by the wind anywhere in the town, except in a covered container.

Sec. 58-5. Depositing garbage on the street.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street, parking area, or alley in the town; provided, that this section shall not be construed to prohibit temporarily placing garbage, refuse, trash or ashes or recyclable materials in a container at an approved collection point complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

Sec. 58-6. Supervision by town clerk/Building Inspector.

The town clerk and building inspector shall be empowered to inspect the manner in which all garbage, refuse or ashes within the town are accumulated or disposed for compliance with this Ordinance. The town clerk and building inspector are empowered to order the discontinuance of actions in violation of this Ordinance or take any other action authorized to ensure compliance with or to prevent violation of this Ordinance.

Sec. 58-7. Pickup hours regulated.

It shall be unlawful for any commercial garbage service to pick up trash containers, dumpsters, or other such containers between the hours of 9:00 p.m. and 7:00 a.m., except in the case of a bona fide emergency, the nature of which has been communicated to the town clerk of the Town of Sharpsburg at the time of said emergency.

Sec. 58-8. Owner and operator of premises to maintain container site.

The owner and/or the person in charge of the premises for which a container is permitted shall, at all times, maintain the premises in a high state of police, free and clear of litter, debris, and trash.

Sec. 58-9. Solid Waste Collection and Recycling.

All non-commercial residents of the Town of Sharpsburg shall participate in the residential solid waste collection and recycling programs established by the Town Council, and shall use the Town of Sharpsburg's solid waste and recycling contractor selected by the Town Council. Residents shall pay such fee or fees for this service as established by the Town Council. The requirement of this section shall not become mandatory until April 1, 2003.

Sec. 58-10. Uncovered garbage.

It shall be unlawful to place or permit to remain anywhere in the town any garbage, or other material subject to decay, other than leaves or grass, except in a tightly covered container.

Sec. 58-11. Consent of owner.

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the town without the consent of the owner of such premises.

Sec. 58-12. Disposal.

It shall be unlawful to dispose of any garbage, refuse, trash or ashes anywhere in the town except in an incinerator, or disposal device, properly constructed and operated or in a lawfully established garbage or refuse dump. Such materials not so properly disposed of shall be placed in containers for collection by the town or licensed trash and garbage collection service as hereinafter described.

Sec. 58-13. Accumulation of material treated as disposed.

Where a party claims the accumulation of refuse, ashes, dust, or wastes from building operations is not a "disposal" within the section 58-12 meaning, the allowance of the accumulation for a period of more than seven days without removal will presumptively cause the accumulation to come within the meaning of section 58-12.

Sec. 58-14. Screening of dumpsters.

Business, commercial, educational, and other nonresidential buildings and any multifamily residential building for which the use of a commercial or multi-user dumpster has been authorized by the Town of Sharpsburg shall screen any portion of a dumpster which is visible to an average person from a public street, parking lot, or residential building, which is within 300 feet of such dumpster. Said screening shall be constructed of building or fencing materials that are of sufficient opacity to conceal the dumpster from view.

Sec. 58-15. Restaurant containers.

Restaurant containers shall be placed on a concrete pad or other nonabsorbent surface material, in accordance with Coweta County Health Department requirements. Each restaurant shall have its own container or share a container with another restaurant, but shall not share a container with another type of business.

Sec. 58-16. Certain matters not to be placed in containers.

Dead animals, feces, explosives, dangerous and corrosive materials, clothing taken from persons with infectious diseases, heavy metals, or any substance deemed to be a hazardous or toxic waste by any agency of the state or federal government shall not be placed in any trash or garbage receptacle. Produce, meats, poultry, and food preparation oils shall be placed in sealed bags prior to being placed in any trash or garbage receptacle in such a manner as to minimize noxious or offensive odor emanating therefrom.

Sec. 58-17. Doors and lids to be kept closed.

Except when trash or garbage is being loaded into containers, or pickup of the same is being effected, all doors for screening, doors or lids of containers shall be kept closed.

SECTION TWO

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

SECTION THREE

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

SECTION FOUR

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION FIVE

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION SIX

This Ordinance shall be Codified at Chapter 58, Sections 58-1 through 58-17 of the Town of Sharpsburg Code of Ordinances entitled "Health and Sanitation".

Ordained by the Mayor and Council of the Town of Sharpsburg, this the 2nd day of December, 2002 by the following voting for adoption.

Alvin G. Arrowood, Mayor

Clay Cole, Council Member

Larry Hyde, Council Member

David Mullins, Council Member

Watson Mills, Council Member

Attest:

Robin L. Spradlin, Town Clerk