

STATE OF GEORGIA

ORDINANCE NO.

24-01

COUNTY OF RABUN

Chapter 30 - SOLID WASTE

CITY OF SKY VALLEY, GA

SOLID WASTE ORDINANCE

AN ORDINANCE TO AMEND PREVIOUS SOLID WASTE ORDINANCES, TO DEFINE TERMS AND PHRASES RELATING TO THE COLLECTION AND DISPOSAL OF TRASH, WASTE, RECYCLING AND GARBAGE; TO REGULATE THE RECEPTACLES AND CONTAINERS FOR THE SAME; TO PROVIDE FOR THE MANNER OF PREPARATION OF THE SAME FOR COLLECTION; TO PROVIDE FOR THE MANNER OF COLLECTION OF CONSTRUCTION MATERIAL, TRASH AND GARBAGE FROM COMMERCIAL ESTABLISHMENTS AND PLACES OF RESIDENCE; TO PROHIBIT THE DEPOSIT OF TRASH, DEBRIS OR LITTER UPON VACANT LOTS; TO PROHIBIT BURYING REFUSE, POLLUTING WATERS, OR SPILLING TRASH, GARBAGE, AND OTHER DEBRIS UPON CITY STREETS; TO PROVIDE FOR KINDS OF COLLECTION SERVICE TO BE OFFERED, THE DAYS OF COLLECTION AND A SCHEDULE OF CHARGES THEREFOR; TO PROVIDE PENALTIES FOR VIOLATION AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

The Council of the City of Sky Valley hereby ordains:

Footnotes:

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State Law reference— Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local solid waste management plans, O.C.G.A. § 12-6-31.1; litter control, O.C.G.A. § 16-7-40 et seq.

ARTICLE I. - IN GENERAL

Secs. 30-1—30-18. - Reserved.

ARTICLE II. - COLLECTION

Sec. 30-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business trash means every waste accumulation of dust, paper, paper cartons, cardboard cartons, excelsior, rags, or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial establishment means any hotel, motel, restaurant, food store, hospital, school, church, business or any nonresidential establishment at which garbage or trash may be generated.

Exposed materials and equipment means any accumulation of materials, including waste building materials, new building materials not associated with ongoing building projects, building materials other than those stored in authorized outdoor storage yards, and similar materials; and any accumulation of used or new equipment, such as refrigerators or other appliances, plumbing fixtures or equipment, generators, small commercial trailers, and similar equipment, stored out of doors and exposed to view from any public street or right-of-way.

Foreign material means construction or building waste, and includes such materials as sand, stone, brick, wood, concrete, metal, plaster, concrete or plaster block, paving, roofing, pipe, shingles, lawn renovating debris, sod, dead sod, tree stumps, discarded furniture, large household appliances such as stoves, refrigerators, air conditioners, washing machines, clothes dryers, water heaters, mattresses and television sets.

Garbage means every waste accumulation of animal or vegetable matter which attends the preparation, use, cooking processing, handling, or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects, or animals.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, diapers or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means every waste accumulation of metal, metal products, minerals, chemicals, rocks, concrete, asphalt tar, oil, grease, glass, crockery, rubber tires, bottles, cans, lumber, ashes, sawdust, wastes from animal packing or slaughterhouses, or other materials usually created by commercial enterprises, and industrial plants, but not garbage, household trash, or business trash.

Living unit means any place of abode which is suitable for permanent or transient family or individual residence use. Each such living unit shall be considered as single and separate for the purposes of this article.

Multifamily units means all places of abode other than single-family residences.

Premium Collection Service means garbage collection service where city staff collect garbage at the residence back door, front door, or an agreed upon location within immediate proximity of the residence.

Refuse means solid waste accumulations consisting of garbage, household trash, and business trash.

Single-family residence means any single-family dwelling or living unit, and is interchangeable with the term "household" and includes single-family condominium units.

Standard Collection Service means garbage collection service where city staff collect garbage at the road or curb side.

Tree trimmings means every waste accumulation of tree branches, tree trunks, tree limbs, parts of trees, bushes, or shrubs, Greenleaf cuttings, fruit, or other vegetation.

Yard trash means every waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf raking's, free of dirt, rocks, large branches, and bulky or noncombustible material.

(Ord. No. 96-25, § 1-1, 12-2-1996)

Sec. 30-20. - Receptacles and containers—Required.

It shall be the duty of every person in possession, charge, or control of any place in or from which business trash, foreign material, garbage, household trash, industrial waste, tree trimmings, and yard trash is created, accumulated, or produced, to provide and at all times to keep in a suitable place readily accessible to the city collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The owner of any multifamily unit shall furnish or require tenants to furnish proper waste receptacles and containers.

(Ord. No. 96-25, § 1-2, 12-2-1996)

Sec. 30-21. - Receptacles and containers—Specifications.

- (a) *General design, maintenance and condition.* All receptacles and containers as required under this article shall be of safe construction and design and shall be maintained in good and serviceable condition. Any receptacles or containers which do not conform to the provisions of this article, or which have ragged or sharp edges or any other defects which are reasonably liable to hamper or injure the person collecting the contents thereof or the public generally shall be promptly replaced by the customer upon notice by the City. All refuse containers are to be provided by the customer and are to be maintained by the customer at the customer's expense. –

(b) Refuse containers shall be of the following construction, size, and materials:

Each single-family residence shall provide a maximum of up to two (2) approved refuse containers, which shall be constructed of heavy plastic material- not to exceed sixty- five (65) gallons total. Each container(s) shall be equipped with suitable handles, tight-fitting covers or lids with hand grips and shall be watertight and animal resistant.

Furthermore, a maximum of one (1)- thirteen (13) gallon recycling bin may be utilized for collection and subject to Sec. 30-24 (d) of this ordinance. Said refuse container(s) and/or recycling bin should be placed for pickup at curbside or within two (2) feet of the paved roadway.

The City shall not be required to collect the contents of more than what can be held within the approved total of sixty-five (65) gallons of container(s) with the top lid(s) or cover(s) fully closed and the thirteen (13) gallon recycling bin. The city shall not be required to pick up recycling material placed outside of the recycling bin, or more than what the bin can reasonably hold. -

In lieu of an approved refuse container(s), the customer may use heavy weight (not less than 95 mil thickness) plastic trash bags with a capacity of not more than thirteen (13) gallons per bag. Bags shall be securely tied and free from holes or tears. Said bags should be placed for pickup at curbside or within two feet of the paved roadway on collection days. A maximum of five (5)- thirteen (13) gallon heavy weight bags or what would ordinarily fit into a sixty-five (65) gallon trash container shall be collected.

(c) Optional containers for multi-family units:

Each individual unit within multi-family units with a capacity of more than two living units shall be allowed up to what is allowed for a single-family residence of this ordinance. As an alternative, a single-master dumpster no larger than eight (8) cubic yards may be utilized for all multi-family units as long as the dumpster is properly secured and screened. -

All containers utilized by multi-family units shall be located so as to be easily accessible by the city's equipment and shall be enclosed within a suitable opaque fence or otherwise hidden from view.

(Ord. No. 96-25, § 1-3, 12-2-1996; Ord. No. 97-7, § 1, 4-7-1997)

Sec. 30-22. – Pre-collection practices.

- (a) *Dangerous trash items.* All dangerous trash items, and all waste material of an injurious nature, such as broken glass, light bulbs, razor blades, sharp pieces of metal, fluorescent tubes, television tubes, and the like shall be securely wrapped to prevent injury to the collection crews.
- (b) *Yard trash.* The city will not collect yard trash as part of the garbage collection program except as defined by this ordinance and subject to Sec. 30-25 and Sec. 30-30.
- (c) *Tree trimmings.* The city will not collect tree trunks, tree stumps, tree branches, or tree limbs of any size as part of the garbage collection program except as defined by this ordinance and subject to Sec. 30-25 and Sec. 30-30.
- (d) *Foreign material and industrial waste.* The city will not collect foreign material or industrial waste as defined by this chapter, all of which must be properly disposed of by the owner or person, firm, or corporation responsible therefor.

(Ord. No. 96-25, § 1-4, 12-2-1996)

Sec. 30-23. - Accumulation for collection.

All accumulations of refuse and trash shall be contained as defined in Sec. 30-21 of this ordinance, not over filled and of a durable nature so as to not rip or tear and shall be stored or placed for collection in accordance with the provisions of this ordinance. The City reserves the right to not collect refuse, trash, or recycling material from customers whose bags are ripped or torn, whose bags rip or tear during the action of refuse or trash collection by City personnel or whose recycling material is spilled out or over the recycling bins. Additionally, loose, scattered, or unbagged refuse, trash, or recycling material shall be the responsibility of the tenant or property owner to clean up immediately upon request by the city and to properly secure prior to the City picking up for collection. Furthermore, loose, scattered, or unbagged refuse, trash, or recycling material shall be subject to Sec. 30-36.

- (1) *Public streets and private property.* No person shall place any accumulations of refuse and trash in any street, alley, or other public place of travel, nor upon any private property except the person's own property, except on the days when it is scheduled to be collected. For customers selecting the standard service option, the placement for collection shall be in accordance of Sec. 30-21 of this ordinance and the approved container(s) must be easily visible and conspicuous from the street.
- (2) *Blockage of storm drains.* No person shall place any refuse, trash, garbage cans, or trash bags on, upon, or over any storm drain, or so close thereto as to be drawn by the elements into such drain, which would result in or tend to cause a blockage of any part of such storm drainage system.
- (3) *Unauthorized accumulations.* Any unauthorized accumulation of refuse, business trash, foreign material, or industrial waste on any lot, property, premises, public street, alley, or other public place of travel is prohibited. In addition, any unauthorized accumulation of exposed materials and equipment on any commercially zoned property is prohibited. Failure to remove and correct any such unauthorized accumulations of

refuse shall be deemed a violation of this article and shall be subject to the penalties described in section 30-36.

- (4) *Waste building materials.* Notwithstanding subsection (3) of this section, waste building materials, defined as foreign material by this article, shall be permitted to be stored for a period of up to 60 days at ongoing building sites under the following conditions:
- a. No such materials may be located within rights-of-way or on private property other than that of the building site;
 - b. No material which could be moved by the elements, such as paper, rags, cloth, or other fibers, shall be stored at the site for an unreasonable length of time; and
 - c. All waste building materials shall be removed, and property disposed of when a project has been completed prior to the issuance of a certificate of completion or a certificate of occupancy.

(Ord. No. 96-25, § 1-5, 12-2-1996)

Sec. 30-24. - Collection practices and services.

- (a) The city shall provide refuse collection service to each business establishment, residence, or living unit within the city's corporate limits which is occupied a part of each fiscal year. If any structure shall have more than one family or business occupying it, the city shall provide such service to each occupant of the structure. Except in the event of inclement weather or other acts of God, each customer shall receive refuse pickup service not less than once a week.
- (b) The schedule for refuse collection and the charges the city shall levy against each customer shall be as determined from time to time by the city council and posted at city hall. In the case of new structures, a refuse collection charge shall be levied upon issuance of a certificate of occupancy.
- (c) No approved trash receptacle(s) or heavy-duty trash bag(s) shall be placed for collection before 6:00 AM nor later than 8:00 AM on the day of collection to insure collection. All approved receptacles shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day. It shall be unlawful for any person to damage, displace, or otherwise interfere with refuse containers or their contents except the owner or upon permission or at the request of the owner.
- (d) Notwithstanding the foregoing, the city reserves the right to reject the collection of certain specific categories of refuse to include recycling materials, in accordance with mandatory state or county solid waste regulations, or in accordance with any recycling program the city may adopt, including materials such as cardboard, aluminum, glass, or plastics. Upon adequate notice to its customers, the city may require such refuse to be separated from other refuse and/or disposed of by the customer.

- (e) The city shall provide standard collection service and premium collection service as defined by this ordinance, one of which shall be selected by the customer. Premium collection service shall be billed at a higher fee as established by the City of Sky Valley City Council.
- (f) Additionally, the City provides trash cans at strategic locations throughout the City such as the city post office, pickleball courts, the Highway 246 Overlook, and waterfall etc. These trash cans are provided as a courtesy for residents and guests to dispose of incidental trash- ex. soda containers, junk mail, potato chip bags, etc. and NOT bagged household or commercial garbage. Anyone disposing of bagged garbage may utilize the City compactor located at 102 Knob Drive.

(Ord. No. 96-25, § 1-6, 12-2-1996)

Sec. 30-25. - Special collections.

- (a) Any property owner desiring special bulk collections of tree trimmings and/or yard trash- may request a special collection, which shall be scheduled through the office of the city clerk. If sufficient manpower and equipment is available, city personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the city council.
- (b) No collection shall be made from vacant lots, nor shall any large rocks, tree trunks, tree stumps, tree limbs, or other heavy objects be collected by the city. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.
- (c) Material to be collected by special collections shall be placed in neat piles and located so that such refuse can be easily loaded on trucks for disposal.

(Ord. No. 96-25, § 1-7, 12-2-1996)

Sec. 30-26. - Construction material not city's responsibility.

The city shall not be responsible for the collecting or hauling of trash, discarded building material, dirt, rock, plaster, lumber, metal, or other like materials originating from private property preliminary to, during, or subsequent to the construction of new buildings, alterations, or additions to existing buildings of whatsoever type. Such material shall be removed by the owner of the property or by the contractor. No certificate of occupancy shall be issued until such material has been removed by the owner or contractor.

(Ord. No. 96-25, § 1-8, 12-2-1996)

Sec. 30-27. - Collection and disposal by commercial establishments, and private collectors.

- (a) The actual producers of refuse or the owners of the premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of refuse, or private collectors of

refuse from within the city or outside of the city who desire to haul over the streets of the city shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown, or spilled.

- (b) The city shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors or individuals as it shall find necessary.

(Ord. No. 96-25, § 1-9, 12-2-1996)

Sec. 30-28. - Commercial establishments.

All commercial establishments shall store their refuse in containers or otherwise secure it so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of securing trash shall include containers, bins, fenced or walled trash storage areas, or dump sites operated by the county.

(Ord. No. 96-25, § 1-10, 12-2-1996)

Sec. 30-29. - Vacant lots.

It shall be unlawful for any person to throw any paper, trash, or debris, scrap building material, or foreign material of any kind upon any vacant or unoccupied lot within the city.

(Ord. No. 96-25, § 1-11, 12-2-1996)

Sec. 30-30. - Yard waste.

- (a) Yard waste shall be considered a special collection as referenced in Sec. 30-25 of this ordinance and is defined as yard trash, debris, leaves, brush, tree limbs, cuttings and trimmings and similar materials.
- (b) Yard waste shall not be collected as part of the garbage collection program. Property owners or their representatives may request pickup of yard waste by contacting city hall and making arrangements with the city clerk for a scheduled pickup of yard waste. Request for special pickup of yard waste shall be accompanied by a city work order and the property owner shall be charged a fee as established by the City of Sky Valley City Council. Yard waste shall be placed for pickup within five (5) feet of the roadway.
- (c) Persons, firms, or corporations performing tree removal or trimming services shall be responsible for the prompt removal of any yard waste they produce.

(Ord. No. 98-10, §§ 1—4, 10-5-1998)

Sec. 30-31. - Days of collection.

The normal scheduled collection day shall be once per week on Monday. In the event that an official city holiday disrupts trash collection, trash service shall commence on the next business day following the city holiday. When inclement weather or road conditions prohibit collection on

Monday, collection service will occur on the first day in which weather or road conditions permit.

(Ord. No. 96-25, ex. A, 12-2-1996; Ord. No. 97-7, § 2, 4-7-1997)

Sec. 30-32. - Charges generally.

- (a) Each residential account shall select either the standard or premium trash service and be charged a monthly collection fee as set by the City of Sky Valley City Council.
- (b) Garbage shall be in arrears under the same term as in effect for water bills and collection services shall be discontinued at the same time as water service is discontinued and shall not be resumed until the account is paid in full.

(Ord. No. 87-14, 9-8-1987)

Sec. 30-33. - Littering unlawfully.

It shall be unlawful for any person to allow or throw any paper, trash, garbage, or debris upon any street, alley, park, or other public or private property in the city. It shall further be unlawful for any person to cast or throw, or cause to be cast or thrown, into any of the gutters, drains, or sewers within the city, any garbage, tree or grass cuttings, leaves, or other substance calculated to cause any obstruction or nuisance to the gutters, drains, sewers, ditches, or culverts.

(Ord. No. 96-25, § 1-12, 12-2-1996)

Sec. 30-34. - Burying refuse; polluting waters.

It is declared to be unlawful for any person to deposit on or to bury in or cause to be deposited on or buried in any public square, street, alley, vacant or unoccupied lot, sidewalk, parkway, or bank of any lake, stream, or waterway, any trash, rubbish, fruit peelings, debris, refuse, garbage, brush, cans, boxes, oil, or vegetable or mineral matter, or to do any act that will pollute or tend to pollute the waters of any lake, stream, or waterway.

(Ord. No. 96-25, § 1-13, 12-2-1996)

Sec. 30-35. - Spilling material on streets.

It shall be unlawful for any person hauling any material whatsoever, whether refuse, trash, fill, rock, sand, concrete, or whatever, to spill such material from the hauling vehicle onto the streets of the city.

(Ord. No. 96-25, § 1-14, 12-2-1996)

Sec. 30-36. - Penalties.

- (a) Any person violating any provision of this article shall be guilty of a misdemeanor.

- (b) The city shall also require that any unauthorized accumulation, as defined by section 30-23(3), be removed within 10 business days' written notice to the property owner by registered or certified mail, return receipt requested. If such notice cannot be delivered by the postal service, the city may, as an alternative, post a notice at the site of the unauthorized accumulation stating the terms of removal. If such accumulation is not removed within the notice period, then the city is authorized to remove or cause to be removed such accumulation, entering in and upon private property if necessary, and shall assess the property owner the cost of removing the accumulation. A second registered or certified mail notice shall be sent to the property owner, stating that the accumulation has been removed and that the cost shall be paid by the property owner to the city within 30 days of receipt. If that assessment is not paid, then it shall become a lien on such piece of property. Notice of such lien shall be filed and recorded in the real property lien records of the county, and when so filed and recorded, said lien shall encumber the described real property and may be foreclosed in the same manner as liens for taxes.
- (c) If approved receptacle(s) and/or recycling bin placed for collection are not removed from the street area on the day of collection as required in section 30-24(c), the city is authorized to remove or cause to be removed said container(s) and replace them on the property of the owner, entering into and upon private property if necessary. A fee in the amount established by the City of Sky Valley City Council shall be levied for each occurrence of said failure and will be billed on the next scheduled billing.
- (d) If trash, refuse, or recycling material is placed either-unlawfully or negligently, so as to be allowed to be scattered by wind or animals, the city is authorized to remove or cause to be removed such scattered trash, refuse, or recycling material to include entering upon private property if necessary to remove. A fee in the amount established by the City of Sky Valley City Council shall be levied for each occurrence and will be billed on the next scheduled billing.

(Ord. No. 96-25, § 1-15, 12-2-1996)

Sec. 30-37. – Effective date.

This ordinance shall take effect on April 16, 2024.

Sec. 30-37.- Conflicting Ordinances.

City ordinance 92-15, 94-4, & 92-25 and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

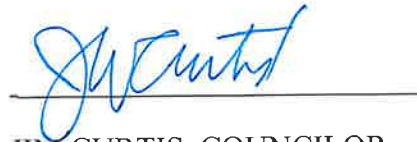
Sec. 30-38- Severability clause.

Should any word, phrase, sentence, paragraph, or section of this ordinance or the application thereof to any person, individual, business organization, partnership, circumstance be held invalid by a court of competent jurisdiction; such invalidity shall not affect the other provisions of this ordinance.

APPROVED:



HOLLIE STEIL, MAYOR



JIM CURTIS, COUNCILOR

BILL OLIVER, COUNCILOR



TONY ALLRED, COUNCILOR



DAN McAFEE, COUNCILOR



BRUCE TURNER, COUNCILOR

ATTEST:



KAREN FLEMING

CITY CLERK

APPROVED AS TO FORM:



DOUGLAS KIDD

CITY ATTORNEY

First reading and introduction March 19, 2024

Second reading and adoption April 16, 2024