

## RESIDENTIAL SOLID WASTE ORDINANCE

### SECTION 1 - APPLICABILITY AND CREATION OF SPECIAL TAX DISTRICT.

1-1. This ordinance applies to the preparation, storage, collection, transportation, and disposal of all residential solid waste in the area under the jurisdiction of Turner County within the Special Tax District of the County as defined hereinbelow. It prescribes rules and regulations therefore, regulates the private collection of solid waste, prohibits private solid waste collection, and prohibits the dumping of solid waste within the Special Tax District.

The Board of Commissioners of Turner County, Georgia hereby find that the public health of the citizens of the below described Special Tax District of Turner County would be adversely affected should individual citizens be allowed to dispose of solid waste, as defined hereinbelow, upon their own private property. The Board of Commissioners of Turner County, Georgia further finds that it would be in the public interest for the Board to pass an ordinance further regulating garbage and solid waste collection and disposal in the below-described Special Tax District of Turner County.

1-2. There is hereby created, pursuant to Article 9, Sect. 2, Para. 6 of the Constitution of the State of Georgia (1983), a Special Tax District within Turner County, Georgia, which shall be known as the "Turner County Solid Waste Disposal Tax District", hereinafter referred to as "the District".

1-3. The boundaries of the Turner County Solid Waste Disposal Tax District shall be all of the property situate, lying and being in the unincorporated area of Turner County, Georgia.

1-4. All taxes and fees imposed hereinbelow within the district shall be used and appropriated to pay the cost of collection, storage and/or disposal service within the District, and the necessary related expenses associated therewith, including but not limited to the purchase of solid waste collection, storage and/or disposal vehicles, trailers and other equipment; the construction and operation of solid waste collection, storage and/or disposal, collection and/or transfer stations; transportation costs to the disposal site and/or transfer site; tipping fees and disposal charges; and such other costs and expenses as may be deemed needed from time to time by the Board of Commissioners in order to collect, store and/or dispose of the solid waste generated within the District.

### SECTION 2 - DEFINITIONS.

2-1. GARBAGE - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

2-2. REFUSE - Discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.

2-3. RUBBISH - Non-putrescible solid wastes consisting of combustible and non-combustible materials.

2-4. SOLID WASTE - For the purposes of this ordinance, the term "solid waste" means garbage, rubbish or refuse as defined in subsections 2-1, 2-2, and 2-3 hereinabove.

2-5. RESIDENTIAL UNIT - A dwelling or occupied living space within the Turner County Solid Waste Disposal Tax District, used or constructed for use as a residence for one family.

2-6. BROWN GOODS - Sofas, chairs, mattresses and the like.

### SECTION 3 - UNLAWFUL DISPOSAL OF REFUSE, GARBAGE OR RUBBISH.

3-1. It shall be unlawful for any person to dump or bury or caused to be dumped or buried any garbage, refuse, or rubbish anywhere in the area of the Turner County Solid Waste Disposal Tax District.

### SECTION 4 - PREPARATION AND STORAGE OF RESIDENTIAL REFUSE FOR COLLECTION; PLACEMENT; UNACCEPTABLE REFUSE.

4-1. It shall be the duty of both the occupant and owner of every residential unit located in the Turner County Solid Waste Disposal Tax District to keep all solid waste generated by each such residential unit pending collection and disposal by the County, its franchisee, licensee, permittee, or contract collector as follows:

(a) All solid waste shall be free from excessive liquid and placed in water tight plastic bags and the top secured and placed in a solid waste container. One 100 gallon roll container shall be provided to each residential unit by the County or its franchisee or contract collector for use by that unit for solid waste storage and disposal purposes.

(b) Solid waste shall be bagged and stored in wheeled containers furnished by the County, franchisee, or contract collector which shall be covered at all times. Such containers must be kept clean. Cardboard boxes which because of size cannot be placed in the wheeled containers furnished by the County, franchisee, or contract collector shall be placed along side the container. Brown goods to be disposed of shall also be placed neatly alongside the wheeled container. Containers must be placed at the curbside by 7:00 A.M. on regular collection days or on the next collection day if the regular collection day falls on a holiday.

### SECTION 5 - COLLECTION OF REFUSE GENERALLY; CONDITIONS FOR COLLECTION BY COUNTY.

5-1. The County shall have the exclusive right to collect and dispose of all residential solid waste within the District either through employees of the County or franchise or contract with or license or permit issued to a person, firm, corporation, or entity engaged in the business of

residential solid waste collection and disposal. No person, firm, corporation, partnership or entity shall collect, remove, transport or dispose of any residential solid waste within the District except as provided for herein and except with the express permission of the County.

5-2. The County or its franchisee or other designated contract collector will collect solid waste within the District under the following conditions:

(a) Solid waste will be collected once each week from residential units. Brown goods will also be collected from time to time.

(b) The County or its franchisee or other designated contract collector may decline to collect: solid waste contained in unauthorized containers; any containers that contain excessive liquids; or any residential solid waste not properly contained.

(c) The County shall not be responsible for collection of discarded building material, dirt, rock, or appliances from private property, nor shall it be responsible for collecting or hauling building materials, trees, tree trimmings, yard trimmings, bushes, or other vegetation, or trash or waste material from commercial tree trimmers, landscapers, or building contractors.

#### SECTION 6 - PAYMENT.

6-1. The Board of Commissioners, or its franchisee, or contract collector shall prepare and mail to each residential unit in the District a statement showing the amounts of the monthly installments due for residential solid waste collection services. These statements shall be prepared monthly in advance and each monthly payment shall be paid in advance by the owner or occupant of each residential unit. A late payment penalty and an assessment of interest shall be imposed upon each account for which payment is not made within the time limits prescribed herein. Owners or occupants of each residential unit may pay the entire amount due for the calendar year in advance if they so desire.

#### SECTION 7 - FEES.

7-1. The fees for collection of residential solid waste levied pursuant to the terms of this ordinance, and all late charges and interest accruing thereon are hereby deemed and constituted a tax and are hereby levied severally against the owner and occupant of each residential unit, including all residential units located in mobile home courts and/or trailer courts. The fees, late charges and interest prescribed in this section shall be treated in all respects as provided by law with respect to ad valorem and State taxes, and uncollected fees, late charges and interest shall constitute a continuing lien against the real property upon which each residential unit is located; on the personal property composing a residential unit, and upon the personal property of the occupant of each residential unit, until paid. Writs of Fieri Facias may be issued by the County for fees which are past due and collection may be effected as provided by law for ad valorem or other State taxes, as provided by O.C.G.A. Sect. 12-8-39.3 or other applicable law. The monthly fees for solid waste collection hereby levied shall be due and payable on the first day of each month, and if the same are not paid by the

10th of each said month, there is hereby levied a late charge equal to ten percent of the amount due or \$1.00, whichever is greater. Additionally, interest will be charged against all uncollected fees over thirty days past due at the same rate of interest borne by uncollected ad valorem taxes.

7-2. The monthly fees billed to each residential unit shall be considered "late" as follows:

(a) fees due for each month shall be considered "late" after the 10th day of each said month.

#### SECTION 8 - EXEMPTION FOR INDIGENCY.

8-1. The Board of Commissioners may relieve affected persons from the responsibility for payment of collection fees imposed herein on account of indigency of said affected person upon a satisfactory showing of same to the Board of Commissioners.

#### SECTION 9 - NON LIABILITY.

9-1. Whenever the owner or occupant of a residential unit from which solid waste is collected by the County, franchisee, or contract collector authorizes or permits the use of private driveways or other portions of private property for such collection, such authorization or permission, whether express or implied, shall be deemed to constitute a waiver on the part of the owner or occupant of the residential unit of any claim for damages against the County, its officers, agents, employees, franchisees and contractors which result from the use of such private property in the collection process.

9-2. The County and any person or entity acting as its franchisee or contractor pursuant to franchise or contract shall be deemed to have been invited and authorized to enter upon private property for the purpose of collection of solid waste in those cases where other than curbside collection has been requested by the owner or occupant of a residential unit and approved by the County and/or its franchisee or contract collector.

#### SECTION 10 - FEE RATES.

10-1. The fees for the collection and disposal of residential solid waste within the District shall be established from time to time by action of the Board of Commissioners. The initial fee shall be \$13.75 per month per residential unit.

#### SECTION 11 - USE OF FACILITIES REQUIRED; NOTICE OF SERVICE TERMINATION; RESUMPTION.

11-1. The owner and occupant of each residential unit, including residential units located in mobile home courts and trailer courts, shall dispose of solid waste only by the means of a collection and disposal service provided by the County, franchisee, permittee, or designated contractor.

11-2. Whenever a residential unit becomes vacant, destroyed by fire or other casualty, or is demolished or for some other similar reason no

longer generates solid waste, it is incumbent severally upon the owner and former occupant of the said residential unit to notify the County in writing of same. The County may cause such investigation of the report as it deems appropriate and if the County finds the same to be consistent with the provisions hereof, the residential unit in question shall be removed from the solid waste collection list and the fee charge shall thereupon cease. Until such notice shall have been received by the County, however, the fee shall continue to be charged and shall continue to be collectible, notwithstanding the fact that service is not in fact rendered to the residential unit. Similarly, if service has been discontinued pursuant to a notice as provided in this section but is thereafter resumed, or if land which was previously vacant has been improved with a residential unit and begins to receive service, it shall be incumbent on the owner and occupant, severally, to notify the County of such commencement of or resumption of service. The fee prescribed in this ordinance shall be payable for such property from and after the date of resumption of service, whether or not notice has been received.

11-3. The County may charge a fee for resumption of service to the owner and/or occupant of a residential unit where service has been previously discontinued. The amount of such fee shall be that as set from time to time by the Board of Commissioners of Turner County.

#### SECTION 12 - UTILIZATION OF SOLID WASTE CONTAINERS.

12-1. It shall be the duty of every owner, occupant, tenant and lessee of each residential unit to remove and place all solid waste generated by the occupants of each such residential unit in bags placed in the wheeled container furnished for solid waste removal and to place the wheeled container at the location designated for collection on designated pickup days.

12-2. The owner, occupant, tenant or lessee of each residential unit shall, not later than 7:00 A.M. on the normal pickup days designated by the County, franchisee, or contract collector, place the container or containers at the location established by the County, franchisee, or contract collector for pickup. Containers shall be removed from the location to the premises of the owner, occupant, tenant or lessee of each such residential unit no later than 8:00 P.M. on the normal day of pickup, subject only to the exceptions hereinafter enumerated.

12-3. The following are excepted from section 12-2:

- (a) Any person with documented disabilities, because of age or physical condition, living in a residential unit where there is no resident or occupant thereof physically capable of placing the container at the designated pick-up location shall notify the County and if the County shall find that there is no one in or upon the residential unit on a regular basis physically capable of placing the container at the designated pick-up location, then the County may arrange for the solid waste to be picked up at the place on the premises of the residential unit where the container is maintained by the occupant.
- (b) The County may establish exceptions for designated residential units which are determined to be unsuitable for curbside pickup,

taking into consideration the terrain features or other physical impediments, and at such premises, pickup service shall be provided to residential units as determined by the County or, in the alternative, the occupant may be instructed to place only plastic, securely tied bags at a designated location on scheduled pickup days.

12-4. The wheeled containers furnished by the County, franchisee, or contract collector shall not be removed from the premises of the residential unit to which they are delivered and it shall be the duty of the occupant of the residential unit, in the event the dwelling is to be vacated by the occupant, to notify the County seven days prior to the vacancy.

12-5. In the event a container previously furnished by the County, its franchisee, or contract collector to any residential unit is damaged, destroyed or stolen, it shall be the duty of the owner or occupant of the premises to immediately notify the County and to cooperate with the County commission and the County sheriff in investigating the cause of the damage, destruction or theft. Further, the owner or occupant shall, if requested to do so, appear in the appropriate court as a witness should a prosecution result from the investigation. A replacement container shall be furnished to the residential unit and such unit may be charged a replacement fee as determined by the County.

12-6. Additional containers may be obtained by each residential unit upon payment of an additional monthly fee to the County, as may be set from time to time by the Board of Commissioners.

#### SECTION 13 - VIOLATIONS AND ENFORCEMENT.

13-1. It shall be unlawful for any person, firm, organization, business, corporation or entity to willfully and intentionally violate any of the provisions of this ordinance.

13-2. It shall be unlawful for any person, firm, organization, business, corporation or other entity, willfully and with intent to defraud the County, to evade or defeat or attempt to evade or defeat any tax, fee, penalty or interest due the County or the payment thereof, imposed by this ordinance.

13-3. It shall be unlawful for any person to burn or attempt to burn or cause to be burned any material of any nature in any container belonging to or used by the County or its franchisee and/or designated contract collectors for residential solid waste collection purposes.

13-4. It shall be unlawful for any person to willfully, and intentionally damage or destroy or to allow or permit damage to or destruction of any container provided by the County, its franchisee, or designated contract collector.

13-5. Each violation of any of the provisions of this ordinance shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or sixty (60) days imprisonment in the Turner County jail or both. Ordinance violations may be tried upon citations with or without a prosecuting attorney

as well as upon accusations, as provided in the Official Code of Georgia Section 15-10-60 et. seq.. Citations shall be issued by the Turner County Board of Commissioners or its designee. Service upon corporations, partnerships, and other entities and organizations shall be effected by serving any managing agent located in Turner County, Georgia, or by serving the registered agent, or any officer or partner of the corporation, partnership, organization or entity. The provisions of this chapter may also be enforced through the use of other remedies, such as injunctive relief, provided by the laws of this State.

13-6. Whenever a corporation, partnership, organization or other artificial entity shall violate any of the provisions of this chapter such violations shall be deemed to be also that of the individual directors, officers, or agents of such corporation, partnership, organization or other artificial entity who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation. In such cases, service shall also be made upon the individual director, officer or other agent accused of authorizing, ordering or doing acts constituting in whole or in part violations of this chapter.

SECTION 14 - REPEALER.

All parts of existing County ordinances and laws in conflict with the provisions of this ordinance are hereby repealed.

SECTION 15 - EFFECTIVE DATE.

The effective date of this ordinance shall be October 4,, 1994.

SO ORDAINED, this 4 day of October, 1994.

BOARD OF COMMISSIONERS OF  
TURNER COUNTY, GEORGIA

Mari Hobbs  
MARVIN HOBBS

Joe Burgess  
JOE BURGESS

MARY GRACE WRIGHT

Tommy H. Horne  
TOMMY HORNE

W. G. Searcy  
W. G. SEARCY

ATTEST: Mary Wynn  
MARY WYNN, COUNTY CLERK