

FIRST READING November 14, 2005

SECOND READING December 5, 2005

PUBLICATION DATES: October 26, 2005

November 2, 9, & 30, 2005

ORDINANCE

AN ORDINANCE TO AMEND THE ORDINANCE TO PROVIDE FOR THE REGULATION OF GARBAGE SERVICES WITHIN THE CITY OF DAWSONVILLE MUNICIPAL LIMITS; TO PROVIDE FOR A REGULATORY FEE; TO PROVIDE FOR A SERVICE CHARGE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to O.C.G.A. § 48-13-1, *et seq.*, the City Charter and other powers vested in the City, the City is authorized to regulate garbage collection services within its municipal boundaries and collect certain regulatory fees related to that function;

WHEREAS, the City has determined that it is necessary to regulate the collection of garbage within the City limits in order to ensure that garbage is properly, adequately and sufficiently collected and disposed of for the protection of the health, safety and welfare of its citizens, to include certain inspections of garbage containers, collection dumpsters and disposal procedures; and

WHEREAS, the City has determined that it is necessary to amend its Garbage Service Regulation Ordinance to provide for clarification on certain matters contained in the ordinance, to require compliance with law, to provide for a regulatory fee, to provide for a service charge, and to provide for indemnification;

NOW THEREFORE, BE IT AND IT IS HEREBY ENACTED

SECTION 1. INTRODUCTION AND INCORPORATION OF PREVIOUS ORDINANCE

The Dawsonville Ordinance to Provide for the Regulation of Garbage Services within the City of Dawsonville Municipal Limits, originally dated April 4, 2005, along with the Amendments thereto, are incorporated in their entirety by reference herein. Notwithstanding the above, it is agreed that said Ordinance shall be amended to include

the provisions as set forth herein and shall hereinafter be included as a part of the Ordinance to Provide for the Regulation of Garbage Services within the City of Dawsonville Municipal Limits, previously enacted on or about April 4, 2005, as follows:

SECTION 2. REGULATORY FEE & RENEWAL OF LICENSES

Section 4 is deleted in its entirety, and in its place the following section is adopted:

- a. Regulatory Fee: A regulatory fee shall be required and collected in conjunction with obtaining a license from the City, consistent with the following provisions:
 - i. For licenses obtained prior to July first in any given calendar year, the regulatory fee shall be \$6.00 per customer within the City limits.
 - ii. For licenses obtained after July first of any given calendar year, the fee shall be \$3.00 per customer within the city limits.
- b. Renewal of Licenses: The license provided for in this ordinance shall be renewable annually upon payment of the regulatory fee. The regulatory fee for renewing a license shall be as provided in subsection (i) above, and is due and payable annually on the tenth day of January, irrespective of the date of original issuance.
 - i. All regulatory fees not received by the twentieth of January shall be subject to a ten percent penalty of the total amount due under this ordinance.
 - ii. If a license provided under this ordinance is not renewed by payment of the regulatory fee established by this section by the first of February in any given year, the license shall be suspended, and the continuation of garbage collection services after the license is suspended shall be considered a violation of this ordinance.
 - iii.

SECTION 3. COMPLIANCE WITH LAW

A New Section 10 is added, and provides as follows: No individual, partnership, firm, corporation or other entity shall engage in garbage disposal except in such a manner as to conform to and comply with this article and all applicable state and federal legislation, rules, regulations and orders.

SECTION 4. INDEMNIFICATION

A New Section 11 is added, and provides as follows: The garbage handler shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the City and its officers, boards, commissions, employees and agents against any and all claims, suits, actions, liability and judgments from third parties for damages which may be the result of willful, negligent (including the City's own negligence) or tortious conduct or operations arising out of the business of collection, transportation, and disposal of garbage, whether or not the action or omission complained of is authorized, allowed, or prohibited by this ordinance.

SECTION 5. REGULATION OF THE DISPOSAL OF YARD TRIMMINGS AND SIMILAR MATERIALS

A new Section 12 is adopted as set forth herein below:

- a. For the purpose of this ordinance, yard trimmings are defined as leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse residuals and vegetative matter resulting from landscaping and land-clearing operations other than mining, agricultural and silvicultural activities.
- b. Yard Trimming disposal shall be restricted as follows:
 - i. Yard Trimmings shall not be placed in or mixed with municipal solid waste, except at landfills restricted to construction or demolition waste;
 - ii. Yard Trimmings shall not be disposed of at municipal solid waste disposal facilities having liners and lechate

collection systems or requiring vertical expansion within its jurisdiction;

- iii. Before collection, Yard Trimmings shall be separated and stored for collection in a separate container from all other municipal solid waste.
 - iv. To the maximum extent feasible, Yard Trimmings must be sorted and stockpiled, chipped, composed, used as mulch or otherwise beneficially reused or recycled or delivered to a facility which will make such beneficial use of the Yard Trimmings.
- c. Each resident of the City of Dawsonville is required to dispose of Yard Trimmings in accordance with the provisions of this Ordinance.
 - d. Nothing in this Ordinance shall be construed so as to require a Garbage Collector licensed by the City of Dawsonville to collect Yard Trimmings for disposal.
 - e. Nothing in this Ordinance shall be construed so as to require the City of Dawsonville to provide for the collection of, or a location for, the disposal of Yard Trimmings.
 - f. Nothing in this Ordinance shall be construed so as to prevent an occupier of land from mulching or composting Yard Trimmings for use on the premises.

SECTION 6. SERVICE CHARGE FOR GARBAGE COLLECTION

A new Section 13 is adopted as set forth herein below:

- a. For garbage service collection, each address for which garbage service is provided pursuant to the terms of this ordinance shall be assessed a monthly service charge.
- b. In the event that multiple addresses deposit their garbage into a single collection location, a separate service charge shall be assessed on each of those addresses, even if only a single garbage collection pick-up is made for all of them.

- c. The service charge assessed pursuant to this section shall be based upon the cost to the City of Dawsonville to provide this service to its citizens, in the following manner:
 - 1. Baseline Charge: the baseline upon which the service charge is determined shall be the cost per address charged by the garbage collection contractor awarded the contract to collect garbage in the City of Dawsonville. In the event that the garbage collection contractor awarded the contract to collect garbage in the City of Dawsonville charges the City a flat fee, not based upon the number of addresses receiving the service, then the baseline upon which the service charge is to be determined shall be the cost charged by the garbage collection contractor, divided by the number of address receiving the service.
 - 2. Calculation of Service Charge: the service charge shall be the baseline referred to in subsection (c)(1) above, plus \$2.50. This amount shall be assessed and collected on a monthly basis from each address for which garbage service is provided pursuant to the terms of this ordinance.
- d. The service charge provided for in this subsection may be incorporated into the water bill for those addresses which receive water and garbage service from the City of Dawsonville. In the event that an address which receives garbage service from the City of Dawsonville does not also receive water service from the City of Dawsonville, the garbage service fee shall be assessed by separate invoice.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

All parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but, it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City

of Dawsonville.

SECTION 8. SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. **IT IS HEREBY DECLARED** to be the intent of the City Council of the City of Dawsonville to provide for separate indivisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect on the 1st day of January, 2006.

BE IT ORDAINED by the Mayor and Members of Dawsonville, Georgia City Council this 5th day of December, 2005.

DAWSONVILLE CITY COUNCIL

By: _____
Joe Lane Cox, Mayor

Mike Sosebee, Council Member

Jonathan Cox , Council Member

ATTESTED TO BY:

Kim Cornelison, City Clerk

Tim Wimpey, Council Member

Mike Wilson, Council Member