

AN ORDINANCE TO AMEND CHAPTER 17, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN BY ADOPTING AMENDMENTS REGULATING THE COLLECTION OF SOLID WASTE FROM COMMERCIAL, OFFICE/INSTITUTIONAL, AND RESIDENTIAL UNITS WITHIN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF NEWNAN; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Newnan has previously adopted Ordinance No. 2003-28, as amended, establishing comprehensive regulations governing the collection of solid waste within the City of Newnan; and

WHEREAS, it is the desire of the City Council to address the various problems that exist with the collection of solid waste from commercial, office/institutional, industrial and residential units within the area of the City identified as the City's Central Business District on the Official Zoning map of the City of Newnan, by adopting revisions to Chapter 17, Solid Waste, of the City's Code of Ordinances; and

WHEREAS, the City staff held three public hearings in which property owners, business owners and residents of the Central Business District offered comments, suggestions and support for the City's plan to re-establish the collection of solid waste by the City in lieu of private haulers, in most instances, in the Central Business District on an enhanced schedule with established fees; and

WHEREAS, the City Council desires to adopt amendments to the City's Solid Waste Ordinance to re-establish service for the collection of solid waste in the Central Business District as set forth herein in the interest of protecting the environment and sanitation of the City's Central Business District; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the citizens, residents and property owners of the City of Newnan to adopt amendments to the City's Solid Waste Ordinance as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan and it is hereby ordained by the authority of same that amendments to the regulations set out in Chapter 17, Solid Waste, of the Code of Ordinances of the City of Newnan be and are hereby adopted by adding a new Article VI, Commercial, Office/Institutional, Industrial and Residential Collection in the City's Central Business District, to read as follows:

SECTION I: It is hereby ordained by the authority of same that amendments to the regulations set out in Chapter 17, Solid Waste, of the Code of Ordinances of the City of Newnan be and are hereby adopted to read as follows:

ARTICLE VI.
COMMERCIAL, OFFICE/INSTITUTIONAL, INDUSTRIAL AND
RESIDENTIAL COLLECTION IN THE CITY'S CENTRAL BUSINESS DISTRICT

Section 17-90. Collection in the City's Central Business District

Notwithstanding the provisions of Section 17-56 and Section 17-60 of this Chapter, the following regulations shall apply to the collection of all commercial, office/institutional, industrial and residential solid waste generated and collected in the City's Central Business District, as such district is defined on the Official Zoning Map of the City of Newnan:

(a) All refuse accumulated in the City's Central Business District shall be collected, conveyed and disposed of by the City. All refuse accumulated in the City's Central Business District shall be collected, conveyed and disposed by the City under the supervision of the Public Works Director or his/her designee. The Public Works Director or his/her designee shall have the authority to make regulations concerning the administration of this section as he/she finds necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

(b) Owners of record and tenants of all commercial, office/institutional, industrial and residential units shall obtain service for each such unit from the City except as provided for in this section. Failure to provide evidence of proper disposal of refuse upon request by city officials (receipts, canceled checks, etc.) shall be a violation of this section, punishable as set forth in section 17-91. Refuse may not be disposed of by any person in an open dump nor may any person cause, suffer, allow or permit open dumping on his/her property.

(c) The frequency of refuse collection from any commercial, office/institutional, industrial and residential units shall be determined in accordance with its need and convenience as determined by the Public Works Director or his/her designee. If necessary to protect public health, the Public Works Director or his/her designee shall have the authority to require more frequent collections than originally determined. Carts shall be furnished as needed by the City.

(d) Owners or tenants of commercial, office/institutional, industrial and residential units shall place the refuse in the carts and the carts shall be placed, on assigned collection days, at front curbside locations in such manner as not to obstruct passage or in the alley's located in the City as directed by the Public Works Director or his/her designee. If the carts are to be placed at curb side, the owners or tenants shall place the carts at appropriate curbside locations at or before 6:00 a.m. or prior to the arrival of the collection vehicles. This placement shall not be made before dusk on the date prior to collection day. Any refuse placed on the curb after departure of the pickup crew of the city or its authorized agent shall subject the owner to prosecution for violation of this chapter should the street become littered from refuse.

(e) Owners or tenants of commercial, office/institutional, industrial and residential units shall remove the carts from curbside location to storage location, which storage location shall be nearer to the residential unit located on the premises than to any street abutting the premises; removal of the cart should be accomplished within twenty four (24) hours following collection on the date the contents are emptied and collected.

(f) Owners or tenants shall prevent the continued, excessive and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon owner's property.

(g) It shall be a violation of this chapter to place or cause to be placed for collection any hazardous waste, any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

(h) Bulky waste may be collected at the curbside at the request of the owner or tenant as an unscheduled or special service upon setting up such collections or services with the Public Works Director or his/her designee. Owners or tenants shall be responsible for the removal of any CFCs and freon from any items of bulky waste prior to its collection. There shall be a minimum fee, as established by City Council in the Fee Schedule based on a per vehicle load plus disposal cost based on the current landfill rates for the type of materials collected. Payment for such service shall be due 5 days following receipt of a statement for such service from the City. Payments received by the City after the due date shall incur a late payment charge as set forth in the fee schedule.

(i) All refuse will be collected by the City if placed in the cart. No open containers shall be permitted.

(j) Yard trimmings shall be collected by the City once every week if placed at curbside for collection. A private contractor providing landscaping maintenance must remove yard trimmings from the premises and may not be placed at curbside for collection.

(k) Owners and tenants of commercial office/institutional, industrial and residential units shall be responsible for the proper disposition of any dead animals.

(l) During any week in which there is an observed holiday or extremely harsh weather conditions, such as snow or ice, the City may collect refuse in accordance with an altered collection schedule as needed.

(m) Fees for collection of solid waste, by the City shall be as established in the City's Fee Schedule as it may be amended from time to time. The due date for the payment of solid waste collection fees shall be the 1st day of each month. Any payment received after the 1st day of each month shall incur a late payment charge as set forth in the fee schedule.

(n) Nothing in this section shall prevent owners or tenants from contracting with the City for additional services at additional costs.

(o) The City of Newnan at all times reserves the right to direct and control all relevant aspects of the time, place and manner of refuse service in the Central Business District. Nothing in this chapter is intended to abridge the City of Newnan's right to ownership and control of the waste stream.

(p) Except as otherwise provided for herein, no other person, firm or corporation shall collect or convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city other than the City. To the extent there exists, as of the date of the enactment of this chapter, a validly enforceable contract for refuse collection by and between any commercial office/institutional, industrial and residential units within the city and a third party company, not the authorized agent of the city, such contract will, upon application made by the commercial office/institutional, industrial and residential units who is a party to the contract, be allowed to expire, excluding any provisions for renewal, before the city shall require the commercial office/institutional, industrial and residential units to exclusively use the City for refuse collection services.

(q) All commercial office/institutional, industrial and residential units or other entities producing hazardous waste or special waste shall be responsible for the disposal of and provide for the disposal of the hazardous waste or special waste in accordance with all federal and state laws and regulations.

(r) All commercial office/institutional, industrial and residential units or other entities serviced by dumpsters prior to adoption of amendment shall be permitted to continue dumpster service. New dumpster service shall be permitted upon approval from Public Works Director or his/her designee. The owner and tenant of any commercial office/institutional, industrial and residential units shall cause to be built, around the area in which the dumpster is located, a screened fence of durable quality and construction at least six (6) feet in height which conceals and blocks the container from the view of any public property. The owner and tenant of any commercial office/institutional, industrial and residential units shall provide unimpeded access to each dumpster by the collection vehicles on collection days at collection times. No parking or other obstructions shall be permitted in the access area for dumpsters. Concrete pads of appropriate size and construction shall be provided for dumpsters or groups of dumpsters by the property owner. Adequate drainage shall be provided in and around the pad areas.

(s) As a condition to the issuance of a permit for the construction of a commercial office/institutional, industrial and residential units, arrangements for the storage of refuse and carts and location of dumpsters, if permitted, must be approved by the Public Works Director or his/her designee.

(t) Owners and tenants of commercial, office/institutional, industrial and residential units shall be responsible for maintaining the area surrounding dumpsters and carts clean and free of accumulation of refuse.

(u) Multi-tenant Unit/Customer: At the discretion of the Public Works Director or his/her designee, combined billing may be made available for multi-tenant facilities whereby eight (8) or more units/customers are present, excluding

those situations in which a restaurant and/or residential use is one of the included tenants/customers.

(v) Grease Collection: All cooking oil or grease generated by the owner or tenant of a restaurant or other food service establishment shall be collected and held by the owner or tenant in a container approved by the Public Works Director or his/her designee. The collection container shall be located on private property and shall not be located or placed on a sidewalk or public right of way. The collection container shall be serviced and the cooking oil and grease collected and removed by a private contractor contracted with by the owner or tenant.

(w) Exemptions: State, Federal and County facilities shall be exempt from the provisions of this section; however, such agencies may contract with the City for such services in accordance with the provisions of this section.

Section 17-91. Penalties.

Any owner or tenant failing to comply with the requirements of this section may be prosecuted by the city in accordance with this section and upon conviction shall be subject to the penalties set forth in Section 17-48 of the Code of Ordinances.

SECTION II: All formal ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter are hereby repealed.

SECTION III: This ordinance shall be in full force and effect upon its official adoption by the Mayor and Council of the City of Newnan with a program commencement date of January 1, 2018.

ADOPTED in open session, regularly assembled this ____ day of _____, 2017.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Cleatus Phillips, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Dustin Koritko, Councilmember