

**BARTOW COUNTY SOLIDWASTE
COLLECTION AND DISPOSAL ORDINANCE
99-5**

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY
SITTING FOR COUNTY PURPOSES FOR THE PURPOSE OF **ENACTING A
COMPREHENSIVE SOLID WASTE COLLECTION AND DISPOSAL
ORDINANCE** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE
COMMISSIONER OF BARTOW COUNTY HELD ON JULY 14, 1999.

WHEREAS, Article VIII, Section II, Paragraph III (a)(2) of the Constitution of the State of Georgia, provides authority for counties to regulate garbage and solid waste collection and disposal; and

WHEREAS, the Commissioner of Bartow County has determined that there exists a need and necessity to enact a comprehensive Garbage and Solid Waste Collection and Disposal Ordinance to provide for comprehensive rules and regulations governing, *inter alia*, the proper collection and disposal of garbage and solid waste in Bartow County; and

WHEREAS, the Commissioner of Bartow County deems the implementation of a well-planned ordinance for the collection and disposal of garbage and solid waste in Bartow County is in the best interests of health, safety and welfare of the citizens of Bartow County;

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED, by virtue of the authority vested in the Commissioner by law, as follows:

**ARTICLE I
PURPOSE AND APPLICABILITY**

Section 101. Purpose.

The purpose of this Ordinance is, *inter alia*, (1) to provide environmentally sound, cost-efficient refuse disposal in accordance with the Solid Waste Management Act, (O.C.G.A. §12-8-20 *et seq.*); (2) to enhance operation of the facilities of the Bartow County Solid Waste Management Department; (3) to maximize the useful life of the solid waste disposal facilities; (4) to protect human health and the environment; (5) to provide for and regulate the collection and disposal of solid waste in Bartow County; (6) to prohibit throughout the unincorporated area of the County littering on public or private property; and (7) to curb thereby the desecration of the beauty of the County which is harmful to the health, welfare and safety of its citizens and to prohibit the disposal of out of county waste in Bartow County solid waste management facilities.

Section 102. Applicability.

This Ordinance governs the use of all Bartow County solid waste management facilities and activities, including but not limited to, permit procedures, use of permits, insurance requirements, transportation rules, credit policies, and waste acceptance. As of the effective date of this Ordinance, only residents of Bartow County disposing of personal solid waste generated by them, and commercial collectors disposing of waste collected from within Bartow County who are permitted by the Bartow County Solid Waste Management Department and are not in violation of this Ordinance, may discharge waste at a Bartow County solid waste management facility.

Section 103. Prohibition of Disposal of Out of County Waste.

No person, firm, corporation or employee of any municipality shall transport, pursuant to a contract, whether oral or written, garbage, trash, waste or refuse of any kind or in any form across the boundaries of Bartow County for the purpose of disposing of the same at any Bartow County solid waste management facility.

Section 104. Prohibition of Littering.

1. The provisions of the Georgia Litter Control Law as set forth in O.C.G.A. §16-7-40 through O.C.G.A. §16-7-47, as may be amended from time to time, are hereby adopted and incorporated herein by reference as if said provisions were set forth herein in their entirety.
2. All vehicles transporting garbage, waste, trash or other debris shall secure said garbage, waste, trash or other debris in such a manner as to prevent said garbage, trash or other debris from becoming dislodged and escaping the transporting vehicle while said vehicle is operating over the roads of Bartow County.

**ARTICLE II
DEFINITIONS**

As used in this Ordinance, the following terms have the following meanings subscribed to them, unless the context clearly indicates otherwise. Terms not defined herein shall have the meaning set forth in Chapter 391-3-4 of the Rules and Regulations of the Environmental Protection Division, Georgia Department of Natural Resources (Rule):

1. "Asbestos-containing waste" means any solid waste containing more than 1 percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite,

anthophyllite, tremolite, and actinolite, using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1.

2. "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.
3. "Biomedical waste" means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-15.
4. "Bulky waste" means such items as large household appliances (i.e., washing machines, clothes dryers, water heaters, stoves, refrigerators and dishwashers), furniture, tree stumps, large timber, car bodies, large bundles of carpet waste, large packing containers, and other items whose volumes are not significantly reduced.
5. "Collector" means a person or persons as defined herein who, under agreements, verbal or written, with or without compensation does the work of collecting and/or transporting solid wastes from industries, offices, retail outlets, businesses, industries, and/or similar locations, or from residential dwellings. However, this definition does not include an individual collecting and/or transporting waste from his own occupied single family dwelling unit.
6. "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.
7. "Composting" means the controlled biological decomposition of organic matter into a stable, odor-free humus.
8. "Construction and Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to, asbestos-containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, cured asphalt, and other nonputrescible solid wastes, as approved by the Bartow County Solid Waste Management Department, which have a low potential for groundwater contamination.
9. "Disposal facility" means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling, solid waste thermal treatment and other technologies.

10. "Disposal operation" means the performance of solid waste disposal which includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.
11. "Garbage" means food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
12. "Generator" means any person in Georgia or in any other state who creates solid waste.
13. "Hazardous waste" means any solid waste which has been defined as a hazardous waste in regulations promulgated by the Georgia Board of Natural Resources, Chapter 391-3-11.
14. "Household waste" means any solid waste (including garbage and trash) derived from households.
15. "Incinerator" means all devices intended or used for the reduction or destruction of solid, liquid, or gaseous waste by burning.
16. "Industrial waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Georgia Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.
17. "Inert Waste Landfill" means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, rocks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.
18. "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for the Evaluation of Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

19. "Monofill" means a method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.
20. "Nuisance" means anything which meets that definition of the term as defined in O.C.G.A. § 41-1-1 *et.seq.* and which occurs during or as the result of the handling or disposing of solid waste.
21. "Private Industry Solid Waste Disposal Facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.
22. "Processing operation" means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).
23. "Putrescible waste" means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include, but are not limited to: kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.
24. "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
25. "Restricted waste" means any solid, liquid, or sludge, excluding residential waste: (1) contained in a drum, barrel, box, pail, transportable tank, or any other container; (2) transported in a bulk tank; (3) residue or waste from a pollution control process; (4) residue or waste from an industrial process; and (5) residue, debris, and waste from the cleanup of a spill or a release of a chemical substance or commercial product or waste associated with items 1 through 4 above. Other wastes of a restricted nature may include, but are not limited to (at the discretion of the Bartow Solid Waste Management Department): asbestos, ash, chemicals, debris, grease and oil, latex, containers, clothing, equipment and instruments, animal wastes and carcasses, plant (vegetal) materials, washwaters, sludges, and biomedical or other wastes. Sources of such material include, but are not limited to: research, veterinary and medical laboratories, mortuaries, taxidermists, automobile washes and laundries (both commercial and industrial), publicly owned treatment works, and industrial treatment facilities, food processing and restaurant related facilities.
26. "Scavenge" means the unauthorized removal of solid waste from a solid waste handling facility.

27. "Shredding" means the process by which solid waste is cut or torn into small pieces for final disposal.
28. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
29. "Solid waste" means any garbage, household waste or refuse of whatever type; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under § 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).
30. "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.
31. "Transfer station" means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal site or processing operation.
32. "Yard Trimmings" means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

ARTICLE III
PERMIT PROCEDURES

Section 301. Generally.

- (1) Permits for the disposal of solid waste at Bartow County Landfill will only be issued for solid waste generated within the territorial limits of Bartow County. However, the issuance of such a permit shall not be deemed to create any expectation in its holder of a right to continued use of Bartow County Landfill.
- (2) All collectors of commercial, industrial, institutional or municipal waste using any type of vehicle must secure a permit in order to dispose of waste at the Bartow County Landfill. Only those collectors of waste that have been issued a permit under this Article may dispose of waste at the Bartow County Landfill. A person may dispose of household waste from his or her own residence at any Bartow County Solid Waste Management Facility without obtaining a permit when the transporting vehicle is a noncommercial vehicle such as a sedan, pickup truck or similar vehicle.
- (3) Annual Permits shall cost Twenty-Five Dollars (\$25.00) per vehicle and Five Dollars (\$5.00) per roll-off box. Each permit shall only be valid for one calendar year and shall not be pro-rated. Each permit must be renewed annually between December 1 and December 31. Revisions to the permit fees shall be as established by the Commissioner of Bartow County from time to time by resolution of the Commissioner.
- (4) A qualifying vehicle shall have the business name, business address, and/or telephone number, tare weight and vehicle identification number painted or permanently affixed to each side of the vehicle in letters and numbers at least three (3) inches in height. When roll-offs are used, the tare weights of the collection vehicle must appear on the collection vehicle and the tare weight of each box must appear on each roll-off container. A registration decal, furnished by the Department, shall be displayed on both sides of the vehicle and roll-offs. A regularly used business logo and identification number may also be displayed. No other names or numbers not required by law shall be displayed. To qualify, a vehicle must be owned or leased to the applicant.

Section 302. Application for Permit.

A person desiring to obtain a permit to dispose of solid waste at the Bartow County Landfill must submit a completed application for permit to the Bartow County Solid Waste Management Department containing the following information:

- (1) The name, address and telephone number of the owner of the collection vehicle who is applying for the permit;

- (2) The listing of all collection vehicles under the permit, which listing shall contain the following information for each vehicle:
 - a. The state motor vehicle registration number;
 - b. Description of chassis by year and manufacturer;
 - c. Description of the body by year and manufacturer;
 - d. Vehicle tag number;
 - e. Tare weight; and
 - f. Proof of insurance coverage;
- (3) A written certification that all customers from whom solid waste is collected for disposal at the Bartow County Landfill are located within the territorial limits of Bartow County along with an acknowledgement that only waste generated within Bartow County may be disposed of at the Bartow County Landfill. Violation of this provision may result in the suspension or revocation of the permit; and
- (4) Such other and additional data, information, and certification as deemed necessary by the Bartow County Waste Management Department in order to verify the accuracy of information contained in the permit application forms and attendant documents.

Section 303. Temporary Permit.

- (1) A person desiring to dispose of solid waste at the Bartow County Landfill on an irregular basis may do so upon first making application for and receiving a temporary permit;
- (2) A temporary permit shall cost Ten (\$10) Dollars per vehicle and shall be valid for a period of seventy-two (72) hours from the date of issuance;
- (3) A holder of a temporary permit shall comply with all applicable provisions of this Ordinance except Section 301 (3) and (4).

Section 304. Municipalities Exempted From Permits.

Municipalities within Bartow County that collect solid waste within their municipal limits using vehicles owned or leased by the municipality shall be exempt from the provisions of Article III.

ARTICLE IV
COLLECTOR VEHICLES

Section 401. Construction and Maintenance.

Solid waste disposal vehicles permitted by collectors of industrial, institutional, commercial or municipal waste generated in Bartow County must meet the following minimum requirements at all times:

- (1) The collection vehicle body shall be capable of being readily emptied.
- (2) The collection vehicle shall be kept in a sanitary condition.
- (3) The collection vehicle must provide for a means of loading only at the top, side or rear, depending upon the design of the enclosed body.
- (4) The collection vehicle must be so equipped that all loading openings on the bodies have tightly fitting doors or covers which latch, clamp, or fasten to keep them closed and rubber or other suitable gasket to render them leakproof, spillproof, dustproof, *and* odorproof to the maximum extent practicable.
- (5) Roll-off boxes must be of welded construction and doors or covers must be tightly fitted so as to render them leakproof and spillproof.
- (6) All unloading doors must be equipped with chains to keep them securely fastened in an open position when unloading.
- (7) The collection vehicle shall be equipped with heavy duty front hooks, loops or shackles, good and serviceable tires and other accessories as necessary for operation and/or navigation in or about the Bartow County Landfill.
- (8) Each collection vehicle used or proposed for use by an applicant or permittee together with the contents of any collection vehicle shall be subject at all times to inspection by the Bartow County Solid Waste Management Department.

Section 402. Transporting and Discharging Waste.

Each permittee shall comply with the following requirements when transporting and/or disposing of solid waste:

- (1) Solid waste shall be suitably enclosed or covered to prevent littering, spillage of solid waste or fluids, and infiltration of rain water. Tarpaulins must be used to cover compactor box openings, roll-off tops, or other openings. Tarpaulins must be kept in good repair at all times.

- (2) Any spillage of solid waste on the roads within Bartow County or at the Landfill is the responsibility of the Collector and shall be immediately cleaned and removed by the Collector. Any and all costs incurred by the Bartow County Solid Waste Management Department on account of any spillage shall be remitted to the Bartow County Solid Waste Management Department by the responsible permittee within seven (7) days of receipt of a statement from the Bartow County Solid Waste Management Department. These costs are in addition to any penalties otherwise authorized for littering.

ARTICLE V
INDUSTRIAL PROCESS SOLID WASTE, MUNICIPAL SLUDGE

Section 501. Delivery to Bartow County Solid Waste Management Facilities.

Any person causing or allowing industrial process solid waste or latex sludge to be delivered to the Bartow County Landfill for disposal shall guarantee that the originator of the waste has submitted a material safety data sheet to the Bartow County Solid Waste Management Department and has received approval from both the Bartow County Solid Waste Management Department and the Environmental Protection Division. Copies of the waste acceptance policy can be obtained at the Bartow County Solid Waste Management Department.

Section 502. Surcharge For Acceptance.

The Bartow County Solid Waste Management Department may impose an industrial solid waste disposal surcharge to compensate the Bartow County Solid Waste Management Department for handling such waste including administrative expenses and overhead. The surcharge shall be set by the Director of the Department on a case by case basis. The following factors will be considered in determining the amount of such industrial solid waste surcharge:

- (1) Volume of waste for disposal;
- (2) Quality of waste (moisture, etc.);
- (3) Degree of risk associated with such disposal;
- (4) Handling, processing and disposal costs;
- (5) Administrative expense and overhead; and
- (6) Environmental protection controls including monitoring.

Section 503. Agreement to Indemnify and Hold Harmless.

Any person causing industrial solid waste from the cleanup of a spill or release of a chemical substance or commercial product, including liquid spills, to be delivered to a solid waste facility operated by or on behalf of the Bartow County Solid Waste Management Department shall be deemed to have agreed to indemnify and hold harmless the Bartow County Solid Waste Management Department for any costs reasonably incurred to protect against or reduce any risk resulting therefrom.

Section 504. Banning of Industrial Waste.

The Director of the Bartow County Solid Waste Management Department may at any time, ban from the Bartow County Landfill, any industrial waste that he deems to be detrimental to the operation or useful life of the landfill.

ARTICLE VI
RESTRICTED WASTE ACCEPTANCE POLICY AND REGULATIONS

Section 601. Process for Acceptance of Restricted Waste.

All restricted waste generated within the County proposed for acceptance by the Bartow County Solid Waste Management Department is subject to the following procedure:

- (1) A generator, established or new, must inform the Bartow County Solid Waste Management Department of the need to dispose of the waste.
- (2) The generator must specify in writing the source and materials contained in the waste.
- (3) Independent analysis of the waste may be required at the discretion of the Bartow County Solid Waste Management Department. Such analyses, as requested by the Department, will be performed by an independent laboratory, at the expense of the generator.
- (4) Additional costs incurred by the Bartow County Solid Waste Management Department in the disposal operation of restricted waste will be borne by the generator. These costs will be determined on a case by case basis by the Bartow County Solid Waste Management Director. The following factors will be considered in determining such costs:
 - (a) Volume of waste for disposal;
 - (b) Quality of waste (moisture, etc.);
 - (c) Degree of risk associated with such disposal;

- (d) Handling, processing and disposal costs;
 - (e) Administrative expense and overhead; and
 - (f) Environmental protection controls including monitoring.
- (5) Additional policies and procedures for specific Restricted Waste (such as: asbestos, drums, liquids, dewatered latex waste, electrical distribution equipment and capacitors, and petroleum contaminated soils) may be adopted by the Department. All generators affected by such policies shall comply with all the requirements of this section as they pertain to the new or revised rules.
- (6) The Bartow County Solid Waste Management Director will make all determinations and decisions as to the acceptability of the waste.

Section 602. Documentation of Acceptance of Restricted Waste.

- (1) The acceptance of all restricted waste will be documented in writing by the Director of the Department and such documentation will be maintained for 30 years after closure of the Bartow County Landfill. Documentation will include:
- (a) a Waste Profile Form;
 - (b) an analytical sampling plan and analytical results, as appropriate, including laboratory identification;
 - (c) a signed Bartow County Solid Waste Management Department Waste Acceptance Form having acceptance or rejection noted, with the reason indicated; and
 - (d) a disposal contract.
- (2) A list of all generators of restricted wastes that have had waste accepted or have otherwise demonstrated waste acceptability to the Bartow County Solid Waste Management Department will be maintained by the Bartow County Solid Waste Management Department. Any generator proposing to dispose of restricted waste must be listed before the Bartow County Solid Waste Management Department personnel will accept such waste.
- (3) The Director may, based upon information provided by the generator and the Director's evaluation and judgment, provide for a written exception for certain industrial waste from the classification as "restricted waste".

ARTICLE VII
WASTE DISPOSAL POLICY AND REGULATIONS

Section 701. Waste Disposal Regulations.

Only those forms of waste permitted for disposal under the provisions of this Ordinance and generated within Bartow County, Georgia are permitted to be disposed at the Bartow County Landfill.

- (1) Only residential and commercial waste, including unrecoverable recyclables, generated within Bartow County, and approved for disposal by the Environmental Protection Division of the Georgia Department of Natural Resources are permitted to be disposed at the Bartow County Landfill.
- (2) Only industrial and restricted wastes generated within Bartow County which have been approved by the Environmental Protection Division of the Georgia Department of Natural Resources and approved for acceptance by the Bartow County Solid Waste Management Department may be disposed at the Bartow County Landfill. All such wastes shall first be evaluated as to origin, chemical composition, and quantity.
- (3) No hazardous waste will be accepted. No person shall deposit or attempt to deposit hazardous waste at the Bartow County Landfill. Violations of this provision will be reported to the Environmental Protection Division. No material other than commercial, municipal, or industrial waste that has been approved by the Environmental Protection Division and the Bartow County Solid Waste Management Department may be deposited at the landfill.
- (4) No biomedical or patient care waste will be accepted, except patient care waste generated by single-family residential dwelling units and disposed of as residential solid waste. Patient care waste is that waste generated in the context of patient health care or patient health care like activities and which would be considered likely to be infectious by virtue of it containing pathogens with sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease. Patient care waste specifically includes disposable materials if they were in contact with infected wounds or have been contaminated by patients isolated to protect others from the spread of infectious diseases.
- (5) Asbestos must be wetted and bagged in twelve mil (minimum) thickness polyethylene bags or must be wetted, packed in six mil polyethylene bags in fiber drums. Only asbestos waste generated in Bartow County may be accepted. All Georgia Environmental Protection Division rules and

regulations must be followed with respect to wetting and bagging the materials. Materials must be wet when received at the Bartow County Solid Waste Management facilities.

- (6) Bulky waste will be accepted only if generated in Bartow County and disposed in accordance with rules and regulations promulgated by the Bartow County Solid Waste Management Department.
- (7) Construction and demolition waste and inert waste generated within Bartow County will be accepted for disposal in the designated area of the landfill for disposal of said wastes if it does not contain any other solid waste components. Neither construction and demolition waste nor inert waste may be disposed in the subtitle D Landfill.
- (8) Tires may not be disposed in the Bartow County Landfill. Tire disposal shall be in accordance with rules and regulations promulgated by the Georgia Environmental Protection Division of the Georgia Department of Natural Resources and the Bartow County Solid Waste Management Department .
- (9) Yard trimmings generated within Bartow County may be disposed only in the Bartow County Inert Landfill.
- (10) Lead acid batteries may not be disposed in the Bartow County Landfill.
- (11) Animal carcasses, animal processing waste and waste contaminated by such may not be disposed in the Bartow County Landfill.
- (12) Residents of the County, other than commercial, industrial, and institutional collectors, may use any public disposal site in accordance with the regulations of and fees for the particular site and under the instruction of the site attendant.
- (13) Except as specifically permitted by this Ordinance, no disposal of any solid waste is allowed in Bartow County.
- (14) Any person who disposes any unauthorized waste in a Bartow County solid waste management facility, in addition to other penalties provided by this Ordinance, shall be charged two hundred (200%) percent of the tipping fee charged for such load plus the costs of removing the unauthorized waste from the facility.

Section 702. Fee Schedule.

Except as otherwise provided, fees for the disposal of solid waste at Bartow County Solid Waste Management facilities shall be as established by the Commissioner

of Bartow County from time to time by resolution of the Commissioner and shall be paid in full at the time of disposal.

Section 703. Accounts.

- (1) A Collector may establish a revolving account with Bartow County for the disposal of waste allowed under this Ordinance. Charges for disposal of waste by the Collector shall be posted only to the account established by the Collector.
- (2) All accounts shall be due in full within twenty-five (25) days of receipt of a statement from the Bartow County Solid Waste Management Department. Interest, at the rate of one and one-half (1.5%) percent per month, shall be assessed against the unpaid balance of any account not paid in full within thirty (30) days of the due date.
- (3) If an account remains in arrears for sixty (60) days after the due date, the Collector's permit to dispose of solid waste shall be suspended until the account is paid in full.
- (4) If an account remains in arrears for ninety (90) days after the due date, the Collector's permit shall be revoked until such time as the account is brought current. In addition, the former permit holder must pay a reinstatement fee of three hundred and fifty (\$350.00) dollars plus the costs of new permits.
- (5) If an account is in arrears more than sixty (60) days twice in any one calendar year, then Collector's permit shall be suspended until the Collector brings the account current and pays a reinstatement fee of one hundred (\$100.00) dollars.
- (6) If an account is delinquent again within the same calendar year then the Collector's permit shall be suspended until the Collector brings the account current and pays a reinstatement fee of two hundred (\$200.00) dollars.
- (7) Upon request, the Bartow County Solid Waste Management Department shall furnish copies of a Collector's charge tickets to the Collector without charge one time per calendar year. For each subsequent request in a calendar year, the Collector shall pay twenty-five (.25) cents per copy plus the hourly rate of the lowest paid employee in the Data Processing Department capable of fulfilling the request for the time spent complying with the request, excluding the first fifteen (15) minutes. The fees incurred shall be paid before receiving the requested documents.

ARTICLE VIII
BARTOW COUNTY SOLID WASTE MANAGEMENT
FACILITY RULES

Section 801. Liability of Bartow County.

All persons proceed into Bartow County solid waste management facilities at their own risk. Bartow County shall not be liable for personal injuries or property damages to third parties, errors or omissions of its employees, agents, contractors, or persons using the solid waste facility, or other third persons in or about the solid waste facility.

Section 802. Reservation of Rights by the Bartow County Solid Waste Management Department.

- (1) Disposal privileges are limited to household, municipal, commercial, and industrial waste generated within Bartow County and approved for disposal in the Landfill. The Bartow County Solid Waste Management Department reserves the right to inspect any load presented for disposal at any Bartow County solid waste management facility and to reject any load not in compliance with this Ordinance. The disposal of any material not specifically approved by the Bartow County Solid Waste Management Department may result in a permanent revocation of disposal privileges.
- (2) If the Bartow County Solid Waste Management Department determines that any material or waste has been disposed of in the Landfill which is in violation of any state or federal law, this Ordinance or the Bartow County Solid Waste Management Department's rules and regulations, then, in addition to any other remedy available to Bartow County, the Bartow County Solid Waste Management Department may require the Collector and/or the generator to remove such waste at its expense or, in the alternative, the Bartow County Solid Waste Management Department may remove it and charge the Collector and/or the generator with the expense of removing and disposing of the unauthorized waste. The Collector and/or the generator will remain responsible for disposal of such waste in an approved facility.
- (3) The Bartow County Solid Waste Management Department may require the Collector and/or the generator to file a manifest for each load of any type of solid waste deposited at the landfill showing the source of all solid waste and a statement signed by the Collector and/or the generator of the solid waste certifying that the solid waste is municipal, commercial or industrial waste generated within Bartow County and describing the contents thereof.

Section 803. General Rules.

- (1) Bartow County Solid Waste Management Department shall establish the general operating hours of each facility. The Department may, from time to time, set different hours of operations according to the needs of the Department. The general hours of operation of each facility shall be posted at each facility for the information of the public. Temporary hours of operation or closure of a facility may be disseminated to the public through the news media.
- (2) Alcohol and drugs are prohibited on Bartow County solid waste management facilities.
- (3) Scavenging is prohibited at Bartow County solid waste management facilities.
- (4) Loitering on and about Bartow County solid waste management facilities is prohibited.
- (5) It is the duty and responsibility of the Collector and other persons using the Bartow County solid waste management facilities to familiarize themselves with and to obey the rules of the Bartow County Solid Waste Management Department.
- (6) All persons shall conduct themselves and operate their vehicles safely at all times in all operations at Bartow County solid waste management facilities.
- (7) No person shall have salvage rights to any materials disposed of at Bartow County solid waste management facilities, unless expressly authorized by the Department.
- (8) In order to prevent litter in and about Bartow County, all loads of solid waste shall be secured so as to prevent escape from the vehicle.
- (9) It is the duty and responsibility of all persons using Bartow County solid waste management facilities to comply with all rules and regulations promulgated by the Department.

Section 804. Collection Centers.

- (1) Only household garbage generated by an individual resident of Bartow County may be disposed of at a collection center.
- (2) No commercially collected solid waste may be disposed of at a collection center.

- (3) Recyclable materials must be disposed of in the appropriately designated containers only.
- (4) No waste may be left at the center, except during operating hours.
- (5) No scavenging is allowed at a collection center.
- (6) Individuals disposing of waste at the collection centers shall obey the directions of the attendants in the disposition of the waste.
- (7) An attendant may request proof that the person disposing of waste is a resident of Bartow County and that the waste being disposed of consists only of waste generated by the resident's household.

Section 805. Violations for Improper and Unpermitted Dumping.

Except as provided in Section 806, improper or unpermitted dumping may result in the following actions taken against both the driver and the owner of the vehicle:

- (1) A citation of warning of permit suspension and/or dumping privileges for the first violation;
- (2) A citation to Magistrate Court and not more than a thirty (30) day suspension of permit and/or dumping privileges for a second violation within a three year period;
- (3) A citation to Magistrate Court and not more than a ninety (90) day suspension of permit and/or dumping privileges for a third violation within a three year period;
- (4) A citation to Magistrate Court and not more than a one (1) year suspension of permit and/or dumping privileges for four violations within a three year period; and
- (5) A citation to Magistrate Court and a permanent revocation of permit and/or dumping privileges for more than four violations within a three year period.

Section 806. Multiple Citations for Improper and Unpermitted Dumping within a Calendar Year.

Section 805 shall not apply where a driver or owner receives more than two citations in one (1) calendar year. The receipt of more than two citations in one (1) calendar year may result in the following action, in addition to a citation to Magistrate Court, in the discretion of the Commissioner:

- (1) Not more than a six (6) month suspension of permit and/or dumping privileges for two (2) citations in any one (1) calendar year.
- (2) Not more than a one (1) year suspension of permit and/or dumping privileges for three (3) citations in any one (1) calendar year.
- (3) A permanent revocation of the permit and/or dumping privileges for four (4) or more citations in any one (1) calendar year.

Section 807. Other Violations.

In addition to citation to Magistrate Court, violations of any rule, regulation and/or requirement of this Ordinance during any one (1) calendar year, the penalty for which has not been heretofore specifically set forth, may result in the following:

- (1) A warning of permit suspension and/or dumping privileges for the first violation;
- (2) Not more than a one (1) week suspension of permit and/or dumping privileges for the second violation;
- (3) Not more than a two (2) week suspension of permit and/or dumping privileges for the third violation; and
- (4) Not more than a thirty (30) day suspension of permit and/or dumping privileges for a fourth and all subsequent violations.

ARTICLE IX
HEARINGS

Section 901. Hearings Before the Commissioner.

- A. The following procedure for a hearing and opportunity to be heard shall apply to any adverse action considered by the Commissioner for alleged violations of this Ordinance that could result in the suspension or revocation of the privilege of disposing of waste at a Bartow County solid waste management facility.
- (1) A person shall be entitled to a hearing before the Commissioner concerning any alleged violation of this Ordinance that could lead to the suspension or revocation of the privilege to use Bartow County solid waste management facilities;
 - (2) Upon the report of any violation of this Ordinance that could result in suspension or revocation, Bartow County shall give notice to the person in writing to show cause before the Commissioner why the privilege to use the solid waste management facilities should not be suspended or revoked;
 - (3) The written notice from the County shall specify the nature of the violation and the time and place for the hearing, which shall not be less than three (3) business days nor more than fourteen (14) business days from the date of service of the notice. Service shall be deemed completed three (3) business days after mailing to the person's last known address;
 - (4) At the hearing, the person shall have the opportunity to show cause why the privilege should not be suspended or revoked;
 - (5) The Commissioner shall hear all relevant evidence as to the alleged violation of the Ordinance;
 - (6) The hearing need not be at a regular meeting of the Commissioner, but may be at such time and place as shall be fixed in the notice; and
 - (7) Within three (3) business days from the date of the hearing, the Commissioner shall render a decision in writing and furnish a copy of the decision to the person. A decision of the Commissioner shall be effective immediately whether or not the person can be provided with a written copy of the decision.
- B. The following procedure for a hearing and opportunity to be heard before the Commissioner shall apply to the appeal of any decision made by the Bartow County Solid Waste Management Department, other than for violations of this Ordinance, that is adverse to an affected party:

- (1) A person may appeal an adverse decision of the Department within thirty (30) days of the decision;
- (2) Upon receipt of written notice of the appeal to the Commissioner, the Commissioner shall set the time and place for the hearing, which shall not be less than three (3) business days nor more than fourteen (14) business days from the date of service of the notice;
- (3) At the hearing, the Commissioner may hear all relevant evidence pertaining to the appeal;
- (4) The hearing need not be at a regular meeting of the Commissioner, but may be at such time and place as shall be fixed in the notice; and
- (5) Within three (3) business days from the date of the hearing, the Commissioner shall render a decision in writing and furnish a copy of the decision to the person. A decision of the Commissioner shall be effective immediately whether or not the person can be provided with a written copy of the decision.

Section 902. Hearings Before Magistrate Court.

Any firm, person or corporation who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Bartow County and, upon conviction, shall be punished by a fine not to exceed \$1,000.00 or by confinement in the county jail not to exceed sixty (60) days, or both, in the discretion of the Court. In lieu of, or in addition to, any fine or incarceration, community service may be ordered by the court as punishment for a violation of this ordinance. Said community service shall be not less than four (4) hours but not more than two hundred fifty (250) hours, which must be performed within one year from the date of conviction for a violation of this ordinance. Any person placed on community service, or otherwise placed on probation, for a violation of this ordinance shall pay such supervisory fees as may be authorized by law.

**ARTICLE X
OTHER REMEDIES**

In the event any provision of this Ordinance has been violated or is being violated, in addition to any other remedies provided herein, the County may institute an action for injunction, mandamus, or other appropriate action or proceeding to prevent, enjoin or abate a violation.

**ARTICLE XI
SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Commissioner to provide for separable and devisable parts and he does hereby readopt any and all parts hereof as may not be held invalid for any reason.

ARTICLE XII
REPEALER

. The Litter Control Ordinance of Bartow County adopted October 2, 1991, as amended on December 4, 1991, is expressly not repealed, except to the extent the same expressly conflicts with provisions of this Ordinance, and shall otherwise remain in full force and effect. All other Ordinances and Resolutions, or parts of said ordinances or resolutions, in conflict herewith are hereby repealed.

SO ADOPTED this 14th day of July, 1999, to be effective immediately, the public health, safety, and general welfare demanding; except Section 301(3) which shall become effective December 1, 1999 for annual permits for the year 2000 and each subsequent year thereafter.

ATTEST:

BARTOW COUNTY, GEORGIA

Lane McMillan, Clerk

Clarence Brown, Commissioner

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1-8-99: completed; faxed to Bob P for comment; 1-11-99 Revised per Bob P comments; 1-19-99: revised per additional comments from Bob P; 2-8-99 reviewed draft with Com, Steve B and others