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 [Videos on Demand](#) |
 [Notices](#) |
 [Atlanta City Council and Committees](#)



**City of Atlanta
Georgia**

**Ordinance
16-O-1382**

Adopted
Jul 18, 2016 1:00 PM

AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND CHAPTER 130, SOLID WASTE MANAGEMENT, OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO REMOVE AND REPLACE THE CURRENT PENALTY STRUCTURE FOR ILLEGAL DUMPING AND OTHER SOLID WASTE CODE OFFENSES WITH THE GENERAL PENALTY AND FINE STRUCTURE AS PROVIDED IN CITY CODE SECTION 1-8; TO UPDATE DEFINITIONS RELATING TO RECYCLING MATERIALS; AND FOR OTHER PURPOSES.

Information

Department:	Public Works	Sponsors:	
Category:	City Utilities	Functions:	Law - Stefanie Grant, Legislative Liaison - Kajara Anderson, Legislative Liaison - Rita Braswell

Attachments

Printout
Amend Ch. 130 Solid Waste Management-Package
16o1382

Body

WHEREAS, it is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents; and

WHEREAS, the City of Atlanta is facing numerous problems associated with illegal dumping throughout the city and its communities; and

WHEREAS, effective and consistent ordinances and standards are necessary to ensure the proper management of solid waste within the city; and

WHEREAS, the current penalty structure for illegal dumping, recycling contamination and other solid waste code offenses is predicated on an outdated penalty classification system; and

WHEREAS, the penalty classification system makes it difficult to deter solid waste code offenses because it requires multiple infractions before imposing certain "classes" of fines; and

WHEREAS, the low-level fines do little to deter repeat illegal dumping offenders from taking advantage of the reduced penalties; and

WHEREAS, by replacing the classification system with the general penalties provided by Section 1-8 of the Atlanta City Code, which allows for generally applicable fines not to exceed \$1,000.00, the judges of the Atlanta Municipal Court will impose fines befitting the violation without being restrained by the classification system; and

WHEREAS, the number of illegal dumping violations can be reduced when the penalties for the violations are sufficiently related to the level of the infraction; and

WHEREAS, strengthening the penalties will provide measures that will act as strong deterrents to illegal dumping and will empower landowners, tenants, and local communities to effectively combat illegal dumping; and

WHEREAS, strengthening the penalties will lead to better enforcement and prosecution of illegal dumping, recycling contamination and other solid waste code offenses within the city limits.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Chapter 130, Solid Waste Management, of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Chapter 130 - SOLID WASTE MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 130-1. - Statement of purpose and definitions.

(a) *Statement of purpose.*

(1) It is the stated policy of the City of Atlanta to protect the health, safety and welfare of its residents. Furthermore, the City of Atlanta recognizes environmental protection as a right of the people living within the city. So that the objectives of these policies might be achieved, it is also essential to take necessary measures to preserve and protect the environment of the city for its inhabitants.

(2) Therefore, it is declared to be the purpose of this chapter to provide an effective solid waste management program within the city to better protect and promote the health, safety and general welfare of City of Atlanta and its residents. Furthermore, the City of Atlanta must work to maintain an effective solid waste management program to ensure that the City of Atlanta remains an effective steward of the environment and its natural resources.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Brown goods" means any discarded appliances including but not limited to electronic equipment such as stereos, televisions, computers, and VCRs and other similar items.

"Building of public worship" means any lot upon which is located one or more buildings used for the purpose of public worship.

"Bulk yard trimmings" means oversized yard trimmings such as tree trunks and branches exceeding two feet in diameter and four feet in length that are biodegradable.

"Bulky items" means discarded non-putrescible waste of a size and form which cannot be easily deposited in, or removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, including but not limited to the following items: furniture; carpets; mattresses; clothing; and tires. Bulky items does not include any motor vehicle or any subassembly, component or part thereof (except tires).

"Chief of staff" means the Chief of Staff to the Mayor of the City of Atlanta, or her/his designee.

"City" means City of Atlanta.

"Collector" means a person who, under verbal or written agreements, with or without compensation, does the work of collecting and transporting solid waste, from industries, offices, retail outlets, businesses, institutions and similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and transporting waste from such individual's own single-family dwelling unit.

"Commercial and industrial property" means any lot that is used wholly or predominantly, according to the total square footage of building structure on all stories devoted to a particular use, for business, commercial or industrial purposes or for the purposes of boardinghouses or mobile home parks and any other lot which is excluded from any other categories set forth in this section or the definitions contained in this section.

"Commercial waste" means waste materials generated in commercial operations.

"Commissioner" means the commissioner of public works or any duly authorized assistant, agent or representative of the commissioner.

"Commissioner of public works" means the commissioner of the department of public works or any duly authorized deputy, assistant, agent or representative of the commissioner.

"Compostable material" means any organic materials that are source separated for processing or composting, such as yard trimmings and food waste.

"Construction and demolition waste:"

A. Construction and demolition waste means discarded waste building materials and rubble generally resulting from construction, remodeling, repair and demolition of buildings and

pavements, including but not limited to processed wood, metal, bricks, concrete, wallboard, paper and cardboard.

- B. Construction and demolition waste does not include materials and rubble resulting from construction, remodeling, repair and demolition of buildings and pavements, that contain or have been contaminated by hazardous materials which must be handled and disposed of separately.

"Disposal operation" means the performance of solid waste disposal and includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.

"Disposal site" means the location or land area where the final disposition of solid waste occurs.

"Extra garbage" means any containerized or uncontainerized garbage set out for disposal that is placed separate from the container issued by the city for its regular curbside collection program.

"Garbage:"

- A. Garbage means putrescible wastes including kitchen and table food wastes; animal or vegetable wastes resulting from the storage, preparation, cooking, processing or handling of foodstuffs; nonputrescible wastes that are mixed in the same container with or contaminated by putrescible wastes; small dead animals not exceeding five pounds in weight; and any putrefactive or easily decomposable waste material that is likely to attract flies, vermin, birds or rodents.

- B. Garbage does not include materials that are separated and set aside for recycling or composting and does not include hazardous material, household hazardous material, or sewage or sewage sludge or human or animal excrement or yard waste.

"Generator" means any person or business responsible for the creation, generation or production of solid waste upon any premises.

"Hazardous material" as defined in Section 1004(5) of the Resource Conservation and Recovery Act of 1976 (RCRA), means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: 1) cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The owner or operator of a facility which treats, stores, manages, or disposes of such materials is required by Section 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA) to submit an emergency and hazardous chemical inventory form to the State and to the Local Emergency Planning Commission, and is required to submit a MSDS per RCRA. Hazardous material includes all household hazardous materials in single containerized volumes of five gallons or greater, or uncontainerized improper discharges or deposits of volumes of two or more gallons.

"Hazardous material disposal facility" means any facility where final disposal of any hazardous material occurs; including any facility classified Subtitle C under Title 40 of the Code of Federal Regulations (CFR).

"Household hazardous materials" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household or similar source that is either ignitable, corrosive, reactive or toxic, in single containerized volumes under five gallons. Household hazardous materials also includes any item, product or material containing or contaminated by any household hazardous material.

"Incinerator" means any device intended or used for the reduction or destruction of solid waste by burning.

"Industrial waste" means waste materials generated in industrial operations.

"Kraft bags" means paper or paperboard (cardboard) produced from chemical pulp produced in the kraft process.

"Landfill" means a method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

"Litter" means uncontrolled or uncontainerized solid waste.

"Multi-family dwelling" means any permanent premises on a single parcel of land designed for or occupied by more than six residential dwelling units where the residential units do not receive separate or individual solid waste collection service.

"Municipal solid waste" (MSW) means any solid waste derived from commercial and residential properties, including garbage, trash, yard trimmings and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, picnic grounds, parks, and day use recreation areas.

"Nuisance" means any improper deposit or disposal of refuse as defined in this section.

"Outdoor event" means any gathering of 2,000 people or more, including but not limited to a Class A, B, C, or D outdoor festival, and events such as sporting events, circuses, concerts, or exhibitions, and other events that may or may not qualify as an outdoor festival.

"Outdoor event property" means any property located in the city, including but not limited to a parking lot, where the property has been used for or in conjunction with an outdoor event.

"Owner" means the person holding the legal title to any real property located in the city.

"Permit holder" means the individual who is the named recipient of a city permit that authorizes an outdoor event to occur on city-owned property.

"Plastic #1" means Polyethylene Terephthalate (PET) which include soft drink, water, and other beverage bottles, detergent and cleaning containers, condiments such as ketchup, salad dressing, peanut butter and other food containers and bottles.

"Plastic #2" means High Density Polyethylene (HDPE) which include milk and water jugs, laundry detergents, shampoo bottles, motor oil containers and some plastic bags.

"Plastic #3" means Polyvinyl Chloride (PVC or V) which include clear food packaging, cling wrap, detergents and window cleaner bottles, some plastic squeeze bottles, cooking oil, peanut butter jars, vinyl pipes, shower curtains, flooring, home siding, and window and door frames.

"Plastic #4" means Low Density Polyethylene (LDPE) which include bread, frozen food, grocery bags, most plastic wraps, and some most bottles.

"Plastic #5" means Polypropylene (PP) which include deli soups, syrup, yogurt and margarine containers, disposable diapers, outdoor carpet, house wrap, clouded plastic containers, e.g. baby bottles, straws.

"Plastic #6" means Polystyrene (PS) which include CD cases, disposable cutlery, Styrofoam, food containers, packaging, insulation, and egg cartons and building insulation.

"Plastic #7" means mixed plastics (other) which include lids, medical storage containers, electronics, most plastic baby bottles, five-gallon water bottles, and "sport" water bottles, metal food can liners, clear plastic cups and some clear plastic cutlery.

"Private contractor" means any business or person operating under a contract for the collection and removal of solid waste from any multi-family residential, commercial, or industrial premises within the city.

"Property owner" means the owner, or agent of the owner, of any property located in the city, where the city does not own the property.

"Putrescible wastes" means wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

"Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

"Recovered materials processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable city, State of Georgia and federal laws and regulations relating to such solid waste.

"Recyclable materials" means:

- (a) those materials, including but not limited to aluminum, tin, plastics, glass and paper, which have known use, reuse, or recycling potential, and can be feasibly used, reused or recycled; and
- (b) those materials limited to metal; plastics numbered 1, 2, 3, 4, 5 and 7; glass; paper; and cardboard, which have known use, reuse, or recycling potential, and can be feasibly used, reused or recycled. This term does not include: food, liquids, plastic bags, clothes hangers, Styrofoam, batteries, light bulbs, and medical waste, or such other items as determined by the commissioner.

"Residence" means any lot that is used exclusively for residential purposes, but not lots upon which are located licensed hotels or motels or apartments.

"Residential composting" means any composting of yard trimmings generated on the residential premises for use on the residential property on which it was generated.

"Residential property" means any property that is used exclusively for residential purposes, but not properties upon which are located licensed hotels or motels.