

² ³ CHAPTER 12: SOLID WASTE MANAGEMENT

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SOLID WASTE SERVICES GENERAL PROVISIONS

12-101 Purpose

The purpose of the rules and regulations contained in this chapter is to provide for the protection of the public health by prescribing the manner of storage, collection, transportation, and disposal of residential and industrial waste, rubbish, garbage, and refuse.

12-102 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. Collection. A person or persons who, under agreement, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings; provided, however, that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.
2. Commercial establishment. Any hotel, motel, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a one- or two-family dwelling unit, apartment dwelling, roominghouse or condominium.
3. Commercial solid waste. All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.
4. Composting. The controlled biological decomposition of organic matter into stable, odor-free humus.
5. Condominium. Individual ownership units in a multifamily residential structure with a front and back entrance to each unit on the ground level.
6. Construction/demolition waste. Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations of pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to

wood, brick, metal, concrete, wall board, paper cardboard, inert waste, landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

7. Disposal facility. Any facility or location where any treatment utilization, processing, or deposition of solid waste occurs.
8. Disposal operation. The performance of solid waste disposal, including administration, personnel, land, equipment, design, and other elements necessary or used in the work of solid waste disposal.
9. Disposal site. The location or land area where the final disposition of solid waste occurs.
10. Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
11. Hazardous waste. Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludge; and other waste material determined to be a likely hazard to the public health, safety, or environment including but not limited to asbestos and asbestos containing waste, and radioactive materials as provided for in Rules of the Department of Human Resources, Chapter 270-5-20, entitled "Radioactive Materials and all other materials classified as Hazardous by state and federal law including but not limited to the Georgia Hazardous Waste Management Act."
12. Industrial waste. Solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generations; fertilizer and agriculture chemicals; food related products and byproducts; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals, plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment, and water treatment. This term does not include mining waste or oil and gas waste.
13. Landfill. A method of disposing of solid waste, other than putrescible waste or hazardous wastes, on land by placing an earth cover thereon.

14. Municipal solid waste. Any solid waste derived from households including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include construction and demolition waste and solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.
15. Open dump. A disposal site at which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create environmental pollution or nuisance.
16. Owner. Any person, firm or corporation owning, leasing, renting, occupying, or managing any premises in the jurisdiction of the City of Lawrenceville.
17. Plastic bag. A polyethylene or other heavy duty plastic bag meeting the National Sanitation Foundation Standard of at least 1.5 mills and not exceeding a 30-gallon capacity, with securing twist ties.
18. Putrescible wastes. Wastes that are capable of being decomposed by microorganisms, including kitchen wastes, manure, hatchery and poultry wastes, and garbage.
19. Reclamation. A controlled method of sorting and storing material from solid wastes for future use.
20. Recovered materials. 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.
21. Recycling. 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.
22. Refuse. All putrescible and nonputrescible solid wastes (Except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid commercial and industrial wastes.

23. Residential unit. Any freestanding structure or shelter or any part thereof used or constructed for use as a residence for one family.
24. Rubbish. Nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
25. Sanitary landfilling. A method of disposing of putrescible waste and/or hazardous waste on land by placing an earth cover thereon.
26. Scavenge. Uncontrolled picking from discarded waste materials.
27. Service area. Any one of the areas designated on the Solid Waste Service Area Map as a separate franchise. Maps showing the approved franchise service areas are attached to this Code as Attachment "8".
28. Service provider. A person, persons or entity granted a franchise to provide collection services by the Mayor and Council of the City of Lawrenceville under written agreements for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions, and similar locations or from residential dwellings or construction and demolition waste from construction and demolition sites; provided however, that this definition shall not include an individual collecting and transporting waste from his own single-family dwelling unit or persons who, as an incidental part of providing construction or demolition services, and using vehicles which they own or lease, remove construction or demolition debris from the sites at which they are performing such services.
29. Solid waste. Putrescible and nonputrescible wastes--except water-carried body wastes--including garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manures, industrial wastes, residue from incineration, food-processing wastes, construction wastes, hazardous wastes, and any other waste material in a solid or semi-solid state not otherwise defined in this chapter
30. Solid waste handling. The storage, collection, transportation from one vehicle to another for transportation to a disposal facility.
31. Solid waste handling facility. Any facility the primary purpose of which is the storage, collection, transportation, treatment,

utilization, processing, or disposal, or any combination thereof, of solid waste.

32. Transfer station. A facility used to transfer solid wastes from one transportation vehicle to another for transportation to a disposal vehicle.
33. Violation. A violation shall constitute any failure to comply with the requirements of this ordinance or any other applicable laws and regulations. Failure to provide the Director of Sanitation or his designee with proof that there was no violation or that the alleged violation was resolved within 48 business hours of the alleged violation shall also constitute a violation.
34. Waste stream. The total flow of solid waste from residential units, commercial establishments, condominiums, apartments, institutions and the like to its ultimate disposal site or facility.
35. Yard trimmings. 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.

12-103

Enforcement

1. In General. The Director of Sanitation shall be responsible for the administration and enforcement of this chapter. In the exercise of his solid waste management duties, said director shall:
 - A. supervise the collection of solid wastes, including the operation and maintenance of equipment and the supervision of personnel;
 - B. establish collection schedules in accordance with the provisions of this chapter;
 - C. inspect and regulate the operations of private collectors and private transportation and disposal systems to insure that such operations are in compliance with the provisions of this chapter.
2. Limitations of Authority. All regulatory actions of Director of Sanitation shall be subject to the review of the Mayor and Council.

3. Appeal. Any person aggrieved by a requirement of, or a fee charged by, the Director of Sanitation shall have the right to appeal to the Mayor and Council, which body may, upon hearing, confirm, modify, or revoke such requirement or fee.
4. Appointment of Director of Sanitation. The Director of Sanitation shall be a department head position and shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified.

¹12-104

Penalties

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine not exceeding \$1,000.00 or be imprisoned not to exceed six (6) months both at the discretion of the Judge of the Municipal Court.

12-105

Exemption

Any entity that operates an apartment complex may be exempt from complying with the terms and conditions of Chapter 12 of the City of Lawrenceville Code of Ordinances on solid waste management provided all of the following criteria are met:

1. The apartment complex contains 50 or more residential units.
2. The entity applying for the exemption is the fee simple owner of the real estate on which the apartment complex is constructed.
3. The entity operates a trash compactor on the premises for the collection of all of the solid waste of the residents of the apartment complex and the City of Lawrenceville is not required to provide any solid waste management support for the complex.
4. The entity successfully and legally disposes of all solid waste from the premises of the apartment complex by transporting the waste to an appropriate disposal company or site.
5. The entity is granted by the Mayor and Council of the City of Lawrenceville an exemption permit at a regular meeting of the Mayor and Council after applying for the permit on an application provided by and acceptable to the City of Lawrenceville Administration Department.
6. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

CITY GARBAGE DEPARTMENT SOLID WASTE SERVICES

12-201

Regulations for Solid Waste Disposal Customers

1. In General. No person shall keep or store solid waste outside of any residence or building within the City, except in proper containers for collection or otherwise prepared, as set forth herein or under the express prior approval of the Director of Sanitation. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The Director of Sanitation by written notice shall notify the owner or occupant of any premise with such solid waste accumulation to remove same. Failure to remove such accumulation within two weeks of the date of such written notice to do so shall be deemed a violation of these regulations and subject to penalties hereinafter set forth. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.
2. Precollection Regulations.
 - A. All Residential Customers, except those otherwise exempted via the Senior and Disability Exemption Process outlined below, shall place all household trash at the curbside in bags adequate to restrain the garbage contained therein without spilling. When placing said trash at the curbside, trash cans can be used. Those Residential Customers who are granted an exemption from delivering their trash to the curbside shall comply with the following requirements:
 - i. No trash can larger than thirty-five (35) gallons shall be used.
 - ii. All trash deposited in cans shall be lined with a plastic bag and all other trash shall be enclosed in a plastic bag. The plastic bags used in either case shall be strong enough to be carried to the street without rupturing or tearing.
 - iii. All trash shall be placed within ten (10) feet of the rear of the residence on the driveway side, provided, that they shall not be placed further than one hundred fifty (150) feet from the curb or paving (if there is no curb) of the public street fronting the house.

- iv. Trash cans shall not be placed within an enclosed or open carport and shall not be placed in an area enclosed by a fence.

B. Senior and Disability Exemption Process: All Residential Customers at or over the age of 65 as well as all customers who, through a disability, are not able to deliver their trash to the curbside may apply for an exemption to the requirements detailed in Section 12-201(2)(A) above via the following method:

- i. Request an Exemption Application from the Director of Sanitation.
- ii. Complete the Exemption Application as thoroughly as possible by including the following information:
 - a. Name;
 - b. Address;
 - c. Telephone Number;
 - d. Date of Birth; and,
 - e. Detailed Explanation for Requested Exemption.
- iii. Submit the completed Exemption Application to the Director of Sanitation.
- iv. The Director of Sanitation will review all submitted Exemption Applications and will inform the applicant by mail once a decision has been reached.

C. Yard trash must be placed at the curb or street enclosed in plastic or plastic lined bags.

D. Limbs and cuttings from shrubbery shall not exceed a length of ten (10) feet, shall be cut to fit into the back of the truck used by the City to remove yard debris and shall be deposited on the curb or edge of the street for collection.

E. All grass clippings, leaves, and small debris must be in paper or biodegradable bags and placed at the street. To be acceptable for collection, the certification that the bag is biodegradable must be clearly visible on the outside of the bag. All grass clippings, leaves, and small debris placed at the street for pick-up must originate from the parcel of property holding the utility account directly adjacent to the

curb or street where the debris is located. Placing construction material or yard debris that originates from other locations is a violation of this ordinance.

- F. Leaves will be collected by machine from October 1 through April 30 when placed by the street in piles not more than six (6) feet from pavement.
 - G. No commercial or construction materials are allowed on streets in residential areas. This material must be disposed of by the owner or contractor.
 - H. Tree limbs, small trees, shrubbery, etc. must be cut in lengths no longer than three (3) feet and placed at curb side.
 - I. It shall be a violation of this section to put garbage in private dumpsters without the owner's permission.
 - J. It shall be a violation of this section to place commercial garbage on sidewalks in the area downtown zoned Subarea 8 Courthouse Square.
 - K. A fee will be assessed if you have one-half truckload of trash or more.
 - L. A fee will be charged for appliances and certain types of furniture.
 - M. Residential Customers violating any provision of Section 12-201 shall be subject to citation by the Director of Sanitation or by any uniformed officer of the City of Lawrenceville Police Department. Any person convicted of violating any provisions of Section 12-201 shall be subject to the penalties set forth in 12-104. Said violations shall be heard by the Municipal Court of the City of Lawrenceville.
3. Collection vehicles. Vehicles used for collection and transportation of solid waste shall be kept clean and in good repair. They shall be constructed in such manner that the contents thereof cannot be spilled, leaked, or blown from the vehicle. They shall be readily identifiable by letters--not less than three (3) inches high and easily legible, painted on the door of the vehicle cab or in an equally conspicuous place--showing the owner's name, telephone number, state permit number, truck number, and rated load capacity in cubic yards. The rated load capacity shall be specified by the Director of

Sanitation following his measurement of the load--carrying portion of the truck body.

12-202

Collection

1. Residential
 - A. Garbage will be collected on schedule approved by the Director of Sanitation. All residential customers, except those not otherwise exempted pursuant to the Senior and Disability Exemption Process outlined in Section 12-201(2)(B), must place all trash at the curb no sooner than the night before the garbage is collected on a designated day, once each week.
 - B. Anyone placing garbage or trash at the curb any day other than designated for collection will be in violation of this Ordinance.
 - C. Residential Customers violating any provision of Section 12-201 shall be subject to citation by the Director of Sanitation or by any uniformed officer of the City of Lawrenceville Police Department. Any person convicted of violating any provisions of Section 12-201 shall be subject to the penalties set forth in 12-104. Said violations shall be heard by the Municipal Court of the City of Lawrenceville.
 - D. The only exception to placing garbage and other solid waste on the curb no sooner than the night before the garbage is collected is in the case of leaves raked and placed at the curb from October 1 through April 30.
2. Commercial
 - A. Pick up will occur as required by the customer.

12-203

Fees

1. Charges for Public Collection and Disposal. Monthly charges for public collection and disposal of solid waste shall be as provided on Attachment "3" attached hereto. The City will pass on to the consumer all cost increases from the vendor.
2. Classification of Establishments. For the purpose of determining the initial classification of establishments as to volumes of waste generated, the Director of Sanitation shall make a volume survey of

all establishments in the City to be served by public collection facilities. The Director shall observe each establishment for a period not less than one week, and the result of such survey and the classification established thereby shall be given in writing to each establishment. Similar surveys shall be made semi-annually to determine whether changes should be made in classification and upon request of the owner of any establishment who feels his establishment is in an improper category, provided not more than two such surveys per year may be so requested.

12-204

Billing

1. Against whom levied. Service charges in accordance with the schedule set down in 12-203 are levied against the occupant of the premises served.
2. Charges for Solid Waste Collection and Disposal. Charges for solid waste collection and disposal service shall be billed and collected monthly. When such payment has not been made, a ten (10) percent penalty shall be added and collected. When such payment has not been made by the fifteenth day after billing service, service shall be discontinued until all arrears--including penalty--have been paid in full and the following month has been paid in advance.
3. Charges for use of Disposal Sites. The municipal attendant shall make, in duplicate, a record of each time a vehicle discharges waste at a public disposal site. Such record shall show the date, the time of day, the vehicle owner's name, the truck number, and its rated load capacity in cubic yards. The record shall be signed by the driver of the truck and by the site attendant. One copy shall be retained by the attendant and filed daily with the Director of Sanitation who shall tabulate records according to the rated loan capacity schedule herein, and shall deliver them weekly to the office of the city treasurer for billing and collection. The failure of any person to pay such accrued charges within fifteen (15) days shall be sufficient reason to deny such person or his employee or agents the right to continue using the municipal disposal site until all such charges are paid in full.

PRIVATE SOLID WASTE FRANCHISES FOR COLLECTION SERVICES

12-301 Private contractors

No person other than employees of the City shall collect, transport, or dispose of solid waste for pay in the City without having first applied for and received a franchise under this section and a business license to engage in such business as provided in Chapter 32.

12-302 Franchises

Upon application being filed on forms prepared by the Mayor and Council of the City of Lawrenceville, firms may be franchised. Such franchised firm shall be approved and authorized by the Mayor and Council of the City of Lawrenceville to collect and dispose of residential solid waste within a specific franchised area. Franchises authorizing collection and disposal of solid residential waste shall be granted for a period of one (1) year. The City of Lawrenceville may award a new franchise to any applicant at any time; however, any new franchise must not have an effective date before the expiration of an existing franchise covering that territory unless the new franchise is a renewal or unless the existing franchise is terminated as provided in this Article. Franchises shall be granted or disapproved after investigation into the financial status of applicants; ability of applicant to serve the franchised area; the needs of the area and ability of applicant to provide a service as would be to the best interest and serve the general welfare of the citizens of the area.

No franchise hereunder may be delegated, assigned or otherwise transferred to any person or entity by the existing franchisee without permission from the Mayor and Council of the City of Lawrenceville.

In the event a franchise is granted to any private contractor, the individual subscribing to the private contractor shall still be required to pay any fees and assessment provided by this Ordinance.

12-303 General

1. No person shall engage in solid waste handling in a manner which will be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely create other hazards to the public health, safety, or well-being as may be determined by the director of financial services or his/her designee.

2. Provisions of this ordinance apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

12-304

Prohibited acts

1. No individual, partnership, corporation, or other entity shall engage in solid waste handling except in such a manner as to conform to and comply with this ordinance and all applicable state and federal legislation, rules, regulation and orders.
2. No individual, partnership, corporation, or other entity shall collect and dispose of municipal solid waste for a fee without obtaining a franchise to provide service from the Mayor and Council. No individual, partnership, corporation, or other entity shall collect or dispose of construction or demolition debris without obtaining an authorization to provide such service from the Mayor and Council.
3. No solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property as defined by the Rules of the Georgia Department of Natural Resources, EPD, chapter 391-3-4-04.

A person shall be presumed to have violated this provision if, upon written notification by the Chief of the City of Lawrenceville Police Department, or his/her designee, that litter or solid waste has been dumped on that person's property, not otherwise subject to the provisions of O.C.G.A. §§ 16-7-51 through 16-7-54, and the person fails to provide the Chief of the City of Lawrenceville Police Department or his/her designee within fifteen (15) days of notification with written assurance that the accumulation of litter or solid waste will be properly disposed of within thirty (30) days from the original date of notification.

4. No person who first informs the Chief of the City of Lawrenceville Police Department or his/her designee in writing that illegal dumping has occurred on a particular parcel of that person's property shall be deemed to have violated this provision, if such person provides written assurance that all accumulated litter or solid waste will be properly disposed of within thirty (30) days of the date of such written notification and subsequently provides proof of such disposal.
5. The owner, occupant, manager or other person in charge of any premises, office, business establishment, institution, industry, or similar facility, including construction or demolition sites, shall be

responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with the Georgia Environmental Protection Division Rules and Regulations unless arrangements have been made for such services with a collector operating in compliance with this ordinance.

6. No owner, occupant, manager or other person in charge of any premises, place, or facility shall allow the accumulation on premises under his or her control, or on or about his or her residential unit or commercial establishment of solid waste where such solid waste creates or may create a health hazard to neighbors or other citizens, or is unsightly, or emits foul or obnoxious odors which constitute either a public or private nuisance. Such conduct shall constitute a violation of this ordinance. Each day the solid waste remains on the premises may constitute a separate violation of this ordinance.
7. No person may dispose of yard trimmings in the City of Lawrenceville or dispose of yard trimmings generated in the City of Lawrenceville unless such disposal is carried out in accordance with the following restrictions:
 8. Yard trimmings shall not be placed in or mixed with municipal solid waste.
 9. Yard trimmings shall not be disposed of in municipal solid waste disposal facilities that have liners and leachate collection systems or that require vertical expansion.
 10. Yard trimmings shall be sorted and stored for collection in a manner that facilitates collection, composting, or other lawful handling.
 11. Upon collection, yard trimmings shall be sorted and stockpiled until their ultimate disposal by chipping, mulching, other beneficial use, or recycling.

12-305

Authorization to provide service

1. A service area map is hereby adopted and attached to this ordinance as Attachment "8" to the City of Lawrenceville General Code of Ordinances. Copies of this ordinance and the service area maps shall be available for public inspection in the offices of the

City Clerk, the Department of Sanitation, and at other locations as designated by the City Clerk.

2. Nonexclusive franchises to provide Collections Services for residential or commercial collection and disposal for one or more areas designated on the service area map may be granted upon application to the Director of Sanitation or his/her designee, provided an applicant is able to provide services that meet at least the minimum requirements set out in section 12-306. The right to provide service authorized in collection and disposal of solid waste shall be granted for a period of no more than one (1) calendar year from January 1 to December 31.
3. Service providers must agree to provide collection services for not less than an entire service area, and in residential areas may pick up only between the hours of 7:00 a.m. and 7:00 p.m. The Mayor and Council reserve the discretionary authority to revoke or rescind any such authorization to provide service in the interest of the health, safety, and welfare of the citizens of the City of Lawrenceville.

12-306

Application and Requirements for Service Providers

1. All applicants to be service providers seeking a franchise within the City of Lawrenceville must meet the following minimum requirements:
 - A. Application.
 - i. All persons, firms or corporations desiring to provide solid waste collection and disposal service in the City of Lawrenceville shall make application on the form prescribed by the Director of Sanitation.
 - ii. The application shall include but shall not be limited to: the name and address of the applicant; the type of solid waste collection and disposal service to be provided; if a partnership, the names and residence address of the partners; if a Limited Liability Company ("L.L.C."), the name and address of the manager(s) and the name of any person or legal entity owning twenty percent (20%) of the L.L.C.; if a corporation, the names of the officers, the name and address of the registered agent for service of process, the name of the

manager(s), and the name of all shareholders holding more than twenty percent (20%) of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a service agreement is sought. If the manager changes, the applicant must furnish the Director of Sanitation the name and address of the new manager and other information as requested within ten (10) days of such change.

- B. Occupational Safety and Health Administration (OSHA) and Georgia Department of Transportation (DOT) Requirements.
- C. The applicant must submit a notarized statement certifying all solid waste collection and disposal equipment meets minimum OSHA safety and health standards.
- D. The applicant must submit a notarized statement certifying all heavy equipment drivers have a current Commercial Drivers License (CDL) and all trucks are registered with the DOT.
- E. Permit. Prior to engaging in solid waste handling in the City of Lawrenceville, service provider must have obtained a solid waste handling permit from the Director of Environmental Protection Division of the Georgia Department of Natural Resources or any successor agency authorized to issue permits pursuant to O.C.G.A. 12-8-24.
- F. Insurance. At the time of submission of a signed authorized service agreement and prior to engaging in solid waste handling in the City of Lawrenceville, and annually thereafter, each service provider shall provide to the Director of Sanitation, proof of insurance as follows:
 - i. Statutory workers' compensation insurance.
 - ii. Employer's liability for bodily injury by accident: \$100,000 each accident.
 - iii. Employer's liability for bodily injury by disease: \$500,000 policy limit \$100,000 each employee.
 - iv. Commercial general liability insurance

- a. 1,000,000 limit of liability per occurrence for bodily injury and property damage.

G. The following additional coverage must apply:

- i. 1986 (or later) ISO commercial general liability form
- ii. Additional insured endorsement (Form B CG 20 10)
- iii. Blanket contractual liability (included in 1986 or later forms)
- iv. Severability of Interest (included in 1986 or later forms)
- v. Personal Injury (deleting both contractual and employee exclusions)
- vi. Incidental medical malpractice
- vii. Hostile fire pollution wording

H. Auto liability insurance.

- i. \$1,000,000 limit of liability per occurrence for bodily injury and property damage.
- ii. Comprehensive form covering all owned, non-owned, leased, hired, and borrowed vehicles.
- iii. Additional insured endorsement.
- iv. Contractual liability.
- v. Umbrella liability insurance - minimum \$2,000,000 limit of liability

I. The following additional coverage must apply:

- i. Additional insured endorsement
- ii. Concurrency of effective dates with primary
- iii. Blanket contractual liability

- iv. Drop down feature
 - v. Care, custody, and control - follow form primary
 - vi. Aggregates: Apply where applicable in primary
 - vii. Umbrella policy must be as broad as the primary policy
- J. The City of Lawrenceville (and any applicable Authority) should be shown as an additional insured on General liability, Auto liability and Umbrella liability policies.
- K. The cancellation provision must provide thirty (30) days notice of cancellation.
- L. Certificate Holder must read:
- City of Lawrenceville
70 South Clayton Street
Lawrenceville, GA
- M. Insurance Company, except Workers' Compensation carrier, must have an A.M. Best Rating of A-6 or higher. Certain Workers' Comp funds may be acceptable by the approval of the Risk Management Division. European markets including those based in London and domestic surplus lines markets that operate on a non-admitted basis are exempt from this requirement provided that the contractor's broker/agent can provide financial data to establish that a market is equal to or exceeds the financial strengths associated with the A.M. Best's rating of A-6 or better.
- N. The Georgia Department of Insurance must license Insurance Company to do business.
- O. Certificates of Insurance, and any subsequent renewals, must reference solid waste collection and disposal services.
- P. The Contractor shall agree to provide complete certified copies of current insurance policy(ies) if requested by the City to verify the compliance with these insurance requirements.

- Q. Contractor shall incorporate a copy of the insurance requirements as herein provided in each and every subcontract with each and every Subcontractor in any tier, and shall require each and every Subcontractor of any tier to comply with all such requirements. Contractor agrees that if for any reason Subcontractor fails to procure and maintain insurance as required, all such required Insurance shall be procured and maintained by Contractor at Contractor's expense.
- R. No Contractor or Subcontractor shall commence any work of any kind under this Contract until all insurance requirements contained in this Contract have been complied with and until evidence of such compliance satisfactory to the City of Lawrenceville as to form and content has been filed with the City of Lawrenceville. The Accord Certificate of Insurance or a pre-approved substitute is the required form in all cases where reference is made to a Certificate of Insurance or an approved substitute.
- S. The Contractor shall agree to waive all rights of subrogation against the City, the elected officials, employees, and agents from losses arising from work performed by the contractor.
- T. Compliance by the Contractor and all subcontractors with the foregoing requirements as to carrying insurance shall not relieve the Contractor and all Subcontractors of their liability provisions of the Contract.
- U. The Contractor and all Subcontractors are to comply with the Occupational Safety and Health Act of 1970, Public Law 91-956, and any other laws that may apply to this Contract.
- V. The Contractor shall at a minimum apply risk management practices accepted by the contractors' industry.
- W. Indemnification. Service provider shall, at its sole cost and expense, fully indemnify, defend and hold harmless the City, 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 or tortuous conduct or operations arising out of the business of collection,

transportation and disposal of solid waste, whether or not the action or omission complained of is authorized, allowed or prohibited by this ordinance.

2. Financial stability. All service providers shall, prior to engaging in solid waste handling in the City of Lawrenceville, give fidelity bond, payable to the City of Lawrenceville for the benefit of the citizens of the City of Lawrenceville in an amount equal to the average revenue anticipated from three months' collections not to exceed \$500,000.00 but in no event less than \$50,000.00. Such bonds shall be increased/decreased yearly based on the quarterly average of the previous year's actual revenue. Alternatively, service providers may provide an irrevocable letter of credit in lieu of bond.
3. All service providers shall, prior to engaging in solid waste handling in the City of Lawrenceville, post with the City Clerk a performance bond in an amount of \$100,000.00. Alternatively, service providers may provide an irrevocable letter of credit in lieu of bond.
4. In lieu of separate bonds or letters of credit described in [subsections] (2) and (3) above, service providers may provide an equivalent authorization to provide service bond at the time of application which encompasses both fidelity and performance. The amount of such bond must be acceptable to the Director of Sanitation or his designee, but in no event may be less than \$150,000.00.
5. Service providers obtaining both residential and commercial authorization to provide services must meet financial stability criteria but may submit one bond or letter of credit in an amount encompassing both service authorizations.
6. Vehicles.
 - A. All vehicles and containers used for collection operations shall comply with the requirements of Rule 391-3-4-.06 of chapter 391-3-4 (Solid Waste Management) of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, and must be compactor-type trucks, covered or enclosed vehicles. All vehicles must be constructed to be substantially leakproof, constructed of durable metal, easily cleanable and able to prevent litter from escaping during movement of the vehicle.

- B. Vehicles and containers shall meet all requirements of the Georgia Department of Transportation for highway safety and local ordinances governing weight and size for the streets that must be traveled for pickup. All vehicles shall be subject to unannounced inspection by city officials for compliance with environmental and highway safety standards.
- C. All vehicles shall have, in letters at least six inches high and conspicuously placed in three places on the vehicle, the name and telephone number of the service provider.
- D. Service providers shall provide an adequate number of vehicles for regular collection services. Nothing in this article shall prohibit service providers from sharing backup vehicles with other service providers provided that such sharing is adequately covered by insurance.
- E. Vehicles used exclusively for collecting and transporting recovered materials shall be exempt from this entire article except that an adequate cover shall be used to prevent litter from escaping during movement.
- F. Reporting requirements. Within 30 days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation, service provider shall submit to the Director of Sanitation or his/her designee reports of operation showing the following:
 - i. Gross collection revenues and average number of customers during quarter by service type.
 - ii. Tonnage figures showing total waste tonnage collected by service type.
 - iii. Tonnage figures showing total recovered materials collected by type, and proof of recycling in the form of manifests, bills of sale, or other records showing adequate proof of movement of the material to a recognized recycling facility.
 - iv. Proof of disposal of nonrecovered materials at state approved disposal facilities and name of each such facility.

- v. Service provider shall maintain at its place of business books and records showing the names and addresses of all owners and tenants with whom service provider contracted for solid waste handling services, including the street address for the property served. Service provider shall submit upon reasonable request of the Director of Sanitation to a financial audit by a certified public accountant or auditor employed by the City of Lawrenceville. Except for the operating reports described in subparagraphs 1-4 above, the information provided in accordance with this section shall be confidential.

G. Disposal assurance. As a precondition of the authorization to provide services and/or authorization renewal, all applicants shall obtain a letter of solid waste disposal assurance governing the next ten years from the landfill owner or operator where its solid waste is delivered. The letter of solid waste disposal must be on the letterhead of the company owning the landfill and signed by the chief executive operating officer or other appropriate official of the company. The letter must contain the following information:

- i. Telephone number and title of the company official signing the assurance letter;
- ii. Address of the landfill;
- iii. Remaining permitted capacity of the landfill in cubic yards;
- iv. Estimated life of permitted capacity remaining at current and projected rates of waste disposal in tons or cubic yards;
- v. A statement that sufficient landfill capacity exists to accommodate the applicant requesting the letter over the expected remaining life of the landfill based on remaining landfill capacity and the amount of waste received at the landfill; and
- vi. A statement that appropriate arrangements are in place such that the landfill will reserve a portion of its capacity on behalf of the applicant over the remaining life of the landfill. If the landfill operator

currently lacks capacity for the next ten years, the landfill operator shall provide a statement containing the following, if applicable:

- a. Expected future additions or expansions of the landfill;
 - b. Additional capacity in cubic yards from such expected expansion;
 - c. When such future additions or expansions will be begun or completed;
 - d. Where such additions or expansions would take place; and
- vii. A statement that sufficient capacity will exist in the future addition or expansion of the landfill to accommodate the applicant over the designated time period. Otherwise, the landfill operator should indicate that no plans exist to continue landfill operations after the closing of the current landfill. In addition to initial letter requirements for obtaining an authorization to provide service, all letters of solid waste disposal assurance must be filed annually with the director of the department of Administration by July 30 as a condition for obtaining or continuing an authorization to provide service in the city.
- viii. A one-time fee of \$500.00 shall be paid by applicants who are not current holders of an authorization to provide service. Payment shall accompany the application and shall be made by cash or certified check.

12-307

Applicant Qualifications

1. No solid waste collection and disposal service agreement shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
2. The applicant must submit a sworn statement that the applicant and owner or operator, if different than applicant, for a solid waste collection and disposal agreement or, in the case of a corporation, partnership, or association, an officer, director, manager, or shareholder of twenty percent (20%) or more of stock or financial interest in said corporation, partnership or association:

- A. have not intentionally misrepresented or concealed any material fact in the application submitted for solid waste collection and disposal service;
 - B. are not attempting to obtain the solid waste collection and disposal agreement by misrepresentation or concealment;
 - C. have not been charged or convicted in the State of Georgia or any federal court of any felony within three (3) years immediately preceding the application for a solid waste collection and disposal agreement;
 - D. have not been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within three (3) years preceding the application for a solid waste collection and disposal agreement;
 - E. have not knowingly, willfully, and consistently violated the prohibitions specified in O.C.G.A. § 12-8-30.7; and
 - F. have not been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia.
3. It shall be unlawful for any City employee directly involved in the issuance of a solid waste collection and disposal agreement under this ordinance, to have any whole, partial or beneficial interest in any business providing solid waste collection and disposal service in the City.
4. The Director of Sanitation may decline to issue a solid waste collection and disposal agreement when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as herein set forth for the applicant.

12-308

Regulatory Fees and Franchises

1. A regulatory fee of \$3.50 per month shall be charged to each resident that receives utility services from the city for utilities other than solid waste collection services. A regulatory fee of \$3.50 per month shall be charged to the property owner for each residence on a parcel of land if no other utilities are provided to the parcel of land other than solid waste collection services.

2. A regulatory fee of \$12.40 per month shall be charged to the service provider for each commercial customer to whom solid waste collection services are provided and billed during any portion of the quarter for which a franchise to provide service was granted and is in effect. Said fees shall be due and payable to the City of Lawrenceville when invoiced by the City. Proceeds from regulatory fees shall be used to defray the cost to the City of monitoring and enforcing compliance with this ordinance and for meeting requirements dictated by state law including studying and implementing plans and methods for the handling of solid waste and reduction of solid waste generated within the City of Lawrenceville. Said fees shall be paid into a special fund for such purposes.
3. A late fee of ten (10) percent of the amount due shall be imposed on any payment received after its due date. In addition, interest at the rate of 1 1/2 percent per month or fraction thereof shall be charged on any amount in arrears.
4. For the purpose of determining the initial classification of establishments as to volumes of waste generated, the Director of Sanitation shall make a volume survey of all establishments in the City to be served by public collection facilities. The Director shall observe each establishment for a period not less than one week, and the result of such survey and the classification established thereby shall be given in writing to each establishment. Similar surveys shall be made semi-annually to determine whether changes should be made in classification and upon request of the owner of any establishment who feels his establishment is in an improper category, provided not more than two such surveys per year may be so requested.
5. Franchises. Upon application being filed on forms prepared by the Mayor and Council of the City of Lawrenceville, firms may be franchised. Such franchised firm shall be approved and authorized by the Mayor and Council of the City of Lawrenceville to collect and dispose of residential solid waste within the franchised areas. Franchises authorizing collection and disposal of solid residential waste shall be granted for a period of one (1) year. The City of Lawrenceville may award a new franchise to any applicant at any time; however, any new franchise must not have an effective date before the expiration of an existing franchise covering that territory unless the new franchise is a renewal or unless the existing franchise is terminated as provided in this Article. Franchises shall be granted or disapproved after investigation into the financial status of applicants; ability of applicant to serve the franchised area; the needs

of the area and ability of applicant to provide a service as would be to the best interest and serve the general welfare of the citizens of the area.

- A. No franchise hereunder may be delegated, assigned or otherwise transferred to any person or entity by the existing franchisee without permission from the Mayor and Council of the City of Lawrenceville.
- B. In the event a franchise is granted to any private contractor, the individual subscribing to the private contractor shall still be required to pay any fees and assessment provided by this Ordinance.

12-309 Residential Services

- 1. All service providers granted an authorization to provide service for solid waste collection and removal for any area(s) shall provide a minimum of the following services:
 - A. Service provider shall provide at a minimum weekly curb service collection of residential waste. Charges for residential collection and removal services shall be charged to the owners of the real property served, except that by requesting services, any tenant may become jointly bound to pay same.
 - B. Collection and removal services for disabled persons and senior citizens 65 years old and older as defined in section 12-310 shall be made and billed as directed in that section.
 - C. The City of Lawrenceville assumes no responsibility to service provider for the failure of any customer to keep current solid waste collection payments. Service provider quarterly will provide the Director of Sanitation with a list of residential customers whose service has been discontinued for nonpayment. Service providers shall cooperate fully in any legal action taken by the city for failure of any owner or resident to comply with the provisions of this ordinance.
 - D. For all residential customers desiring to voluntarily participate in recycling, the City shall provide all recycling services through Latham Sanitation.

- E. The Mayor and Council reserves the right to change the type and number of recovered items considered for collection.
- F. Service providers shall not dispose of recovered materials in landfills.
- G. No additional fee, over the amount charged for curbside collection of residential waste, shall be charged by the service provider for regular collections of recovered materials every week.
- H. All service providers shall agree to participate fully in recycling through Latham Sanitation.
- I. Inoperative privately used worn-out household appliances (e.g., refrigerators, stoves, air conditioning units, water heaters, washing machines, and dryers), and discarded furniture shall be collected at the curb at least weekly as designated by the service provider at no additional charge, where said appliances contain no pollutants or hazardous wastes. A reasonable charge may be imposed where service provider is required by law to properly remove and dispose of such hazardous wastes/pollutants. Service providers are not required under this provision to remove or dispose of materials generated from remodeling or renovation projects (e.g., carpet, lumber, etc.).
- J. Upon recovered materials being placed in designated recycling containers for regular curbside collection, they shall become the property of the service provider collecting residential waste for that residential address. During the 24-hour period commencing at 6:00 p.m. on any day preceding any day designated by the service provider for collection of recovered materials, no person other than an employee or agent of service provider shall remove recovered materials from the designated recycling container which has been properly placed for collection.
- K. Each collection in violation of this section during that period shall constitute a violation of this ordinance, and shall be punishable as provided herein.
- L. Nothing herein shall be construed to limit the right of any individual, organization or other entity to donate, sell or otherwise dispose of recovered material, if such disposal

does not violate any applicable statute, regulation or ordinance.

- M. The City of Lawrenceville at all times reserves the right to direct and control the time, place and manner of solid waste handling. Nothing in this ordinance is intended to abridge the City of Lawrenceville's right to ownership and control of the waste stream.
- N. All service providers shall offer and provide for the collection of yard trimmings at a minimum of an on-call basis. An additional fee may be charged by the service provider for the collection of yard trimmings.

12-310 Elderly and Disabled

- 1. Nothing in this ordinance is intended to prohibit the service provider from offering discounts to senior citizens or the disabled.
- 2. Any person who is a full-time resident of a residential dwelling unit as described above, who is at or over the age of 65, and who is disabled to the extent that he or she is incapable of moving refuse to the curbside may apply for an exemption to the requirement detailed in Section 12-311 via the following method:
 - A. Request an Exemption Application from the Sanitation Department.
 - B. Complete the Exemption Application as thoroughly as possible by including the following information:
 - i. Name;
 - ii. Address;
 - iii. Telephone Number;
 - iv. Date of Birth; and
 - v. Detailed Explanation for Requested Exemption.
 - C. Submit the completed Exemption Application to the Director of Sanitation. The Director of Sanitation will review all submitted Exemption Applications and will inform the applicant by mail once a decision has been reached.

- D. This exemption shall not apply unless all of the adult persons in a residential unit are disabled and are granted an exemption by the Director of Sanitation. This section also applies to temporary disability not to exceed 90 days.
- E. Service providers shall provide recovered materials services to disabled persons and yard trimmings services to disabled persons.

12-311

General Conditions of Residential Collection

1. Occupants of one and two family dwelling units, condominiums, or multifamily dwelling units not served by commercial container, shall place all refuse but rubbish and yard trimmings in plastic-lined paper bags or plastic bags securely tied in refuse receptacles, or in City approved receptacles provided by the service provider, at front curbside locations in such manner as not to obstruct passage. Occupants shall place such refuse at appropriate curbside location at or before 7:00 a.m. or prior to the arrival of the collection vehicles. This placement shall not be made before dusk on the day prior to collection day. Refuse placed on the curb after departure of the pickup crew of the service provider shall subject the service provider's customer to prosecution for violation of this ordinance. No open containers or untied plastic bags shall be permitted.
2. Occupants placing garbage or trash at the curb any day other than designated for collection will be in violation of this Ordinance. The only exception to placing garbage and other solid waste on the curb no sooner than the night before the garbage is collected is in the case of leaves raked and placed at the curb from October 1 through April 30.
3. Occupants shall remove containers from curbside location to a storage location, which storage location shall be at the residential unit located on the premises; removal should be accomplished within a reasonable time following collection on the day the contents are emptied and collected.
4. Occupants shall prevent the continued, excessive and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon occupant's property.
5. It shall be a violation of this ordinance to place or cause to be placed for collection any acid, explosive material, flammable liquids or dangerous or corrosive material of any kind.

6. Inoperative, privately used worn out household appliances (refrigerators, stoves, air conditioning units, water heaters, washing machines, dryers) and discarded furniture shall be collected at the curb at least weekly as designated by the service provider at no additional charge, provided all pollutants and hazardous wastes have been removed prior to collection. (See section 12-109(d)(7)).
7. Solid waste generated from the conduct of customary home occupations as defined in the City of Lawrenceville Zoning Code carried on from residential dwelling units will be collected on a residential fee basis.
8. All trash and refuse will be collected by the service provider if placed in plastic receptacles or metal garbage cans of not more than 35 gallon capacity, in bags of not more than 30-gallon capacity, or tied in bundles not exceeding three feet in any dimension and weighing not more than 50 pounds, or in City-approved receptacles provided by service provider. Reasonable approval will not be denied by the Director of Sanitation or his/her designee. No open containers or untied plastic bags shall be permitted.
9. Recovered materials consisting of aluminum cans, bimetal/steel cans, glass bottles and jars, newspaper, plastic (PET and HDPE) bottles and containers will be collected by the service provider at least once every week if placed in designated containers properly placed for collection at the curbside.
10. Yard trimmings consisting of grass clippings, leaves, etc., shall be placed in suitable receptacles. No yard trimmings shall be placed in plastic bags. Limbs not exceeding four inches in diameter nor more than three feet in length must be tied in a bundle weighing not more than 50 pounds.
11. During any week in which there is a legal holiday or extremely harsh weather conditions, such as snow or ice, service providers shall be required to collect residential solid waste once during such week.
12. Nothing in this ordinance shall prevent customers from contracting with service providers for additional services at additional costs.
13. A list of all current service providers and the service areas will be available for public inspection in the office of the City Clerk and in the Director of Sanitation's office at all times.

14. Property owners shall not be responsible for the cost of solid waste collection during any period when the property is vacant for 30 days or more and they have notified the service provider providing service to them of that fact in writing in advance of that period.
15. Customers shall not permit yard trimmings to remain at the curbside for more than two weeks.
16. Residential customers violating any provision of this Section shall be subject to citation by the Director of Sanitation or by any uniformed officer of the City of Lawrenceville Police Department. Any person convicted of violating any provisions of this Section shall be subject to the penalties set forth in 12-116. Said violations shall be heard by the Municipal Court of the City of Lawrenceville.

12-312 Commercial Services

Applicants for commercial authorization to provide services are subject to the same requirements for a solid waste handling permit as are residential service providers under section 12-306 of this ordinance.

12-313 General Conditions of Commercial Collection

1. The owner, occupant, manager, or person in charge of any construction or demolition site, premises, office, business establishment, institution or industry or similar commercial establishment shall be responsible for the collection and transportation of all solid waste accumulated at such premises, establishment or facility to a solid waste handling facility operating in compliance with state regulation and this ordinance, and must arrange for service with an approved service provider.
2. Holders of a valid solid waste handling permit from the Georgia Department of Natural Resources shall be exempt from such contracting but shall comply with the requirements of section 12-106 (d), (e), (f)(2), (3), (4).
3. No business license or renewal thereof shall be issued until the owner or occupant of such premises provides the business license office of the City of Lawrenceville with the name of the service provider which provides collection for the business, or an exception has been granted by the Director of Sanitation or his/her designee.

4. Yard trimmings from commercial premises or collected or disposed under commercial accounts shall be managed as provided in section 12-104 (f) of this ordinance. Yard trimmings must be bundled or placed in a suitable container for collection. Yard trimmings may not be placed in plastic bags.
5. The City of Lawrenceville reserves the right at all times to direct and control the time, place and manner of commercial solid waste handling. Nothing in this ordinance is intended to abridge the City of Lawrenceville's right to ownership and control of the waste stream.

12-314

Termination of Authorization to Provide Services

1. Authorization to provide services may be terminated by mutual agreement of the City of Lawrenceville and service provider at any time. Service providers may terminate authorization to provide services by giving 60 days' notice to the Director of Sanitation and furnishing proof to the Director of Sanitation that all advance payments have been used by providing a service or have been refunded.
2. The Director of Sanitation or his designee shall notify any service provider of alleged violations by the service provider of this ordinance. Upon notification of the alleged violation, a service provider shall have 48 business hours to provide the Director or his designee with proof that there was no violation or proof that the alleged violation was resolved. If service provider fails to resolve the alleged violation or provide proof that there was no violation within 48 business hours of notification, such alleged violation shall be deemed to be a violation. If a service provider shall have received notices of alleged violations which the service provider did not establish as being resolved or not a violation within 48 business hours of notification in any one month, a hearing shall be held before the Mayor and Council with the service provider being notified in writing of the time and place of the hearing and the violation(s) of this ordinance which were not corrected within 48 business hours of notification or otherwise shown by the service provider not to be a violation within 48 business hours of notification. Service provider will be given the opportunity to appear by representative or counsel to answer any such charge by the Director of Sanitation or his designee. Should the Mayor and Council determine that any of the provisions of this ordinance have been violated by service provider, the Mayor and Council shall have in its discretion, the absolute right to suspend or revoke the

authorization to provide services or provide for probation for the service provider.

3. If two or more of the violations of the ordinance by the service provider are noise complaints received from residents in residential areas for noise associated with commercial collection in the same commercial location in a 120-day period, the following provision shall take effect in the area of such incidents: Service provider shall only engage in the collection, transportation or disposal of any solid waste or recyclables from such commercial location dumpsters, containers or receptacles of any kind or type between the hours of 8:00 a.m. and 8:00 p.m. except to perform emergency work required to safeguard the immediate health, safety and welfare of the public. Every subsequent alleged noise complaint violation at that location shall constitute a violation of the ordinance. In the discretion of the Director of Sanitation or his designee, a meeting may be scheduled between the service provider and the Director or his designee. Within five days after such meeting, a letter summarizing the meeting and setting forth any agreements reached between the parties shall be forwarded to the service provider. The service provider must acknowledge receipt of the letter and agreement or disagreement with the terms set forth in the letter within five business days of receipt thereof. If no response is received from service provider, service provider will be deemed to be in agreement with the terms set forth in the letter. In the discretion of the Director of Sanitation or his designee, if service provider fails to abide by the terms set forth in the letter from the Director of Sanitation or his designee or if the Director of Sanitation or his designee deems it necessary, a hearing shall be held before the Mayor and Council with the service provider being notified in writing of the time and place of the hearing and the violations of this ordinance to be addressed. Service provider will be given the opportunity to appear by representative or counsel to answer any such charge by the Director of Sanitation or his designee. Should the Mayor and Council determine that service provider has violated any of the provisions of this ordinance, the Mayor and Council shall have in its discretion, the absolute right to suspend or revoke the authorization to provide services or provide for probation for the service provider.
4. Authorizations to provide services are nontransferable.

12-315

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 2 – STORMWATER UTILITY ORDINANCE

12-401 Short title, authority and applicability

1. This article shall be known and may be cited as the City of Lawrenceville Stormwater Utility Ordinance.
2. This article shall be codified in the City of Lawrenceville Code of Ordinances as Chapter 12, to be entitled "City of Lawrenceville Stormwater Utility Ordinance," consisting of sections 12-401 through 12-415, inclusive.
3. The City of Lawrenceville has the authority to adopt this article pursuant to Article 9, Section 2, Paragraph III (a)(6) and Article 9, Section 2, Paragraph III(c), (d) of the Constitution of the State of Georgia, and O.C.G.A. §§ 36-82-61(4)(C)(ii) and 36-82-62(a)(2). See: McLeod v. Columbia County, 278 Ga. 242 (2004).

12-402 Findings

The Mayor and Council of the City of Lawrenceville, Georgia makes the following findings:

1. The federal Clean Water Act, as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.), and rules promulgated by the United States Environmental Protection Agency pursuant to the act emphasizes the role of local governments in developing, implementing, conducting and funding stormwater programs which address water quality impacts of stormwater runoff.
2. Stormwater management services and stormwater management systems and facilities will assist the City in meeting the regulatory obligations imposed by its national pollutant discharge elimination system (NPDES) permits by reducing pollution and increasing water quality within the City.
3. Stormwater management services and stormwater management systems and facilities will assist the City in protecting the public health, safety and welfare and the environment. Provision of stormwater management services, stormwater management systems and facilities and regulation of the use thereof renders and/or results in both service and benefit to individual parcels, parcel owners, citizens and residents of the City and to all parcels, parcel owners, citizens and residents of the City concurrently and the environment in a variety of ways.

4. The City of Lawrenceville presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater management systems and facilities owned and operated by the City, and of additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance stormwater management systems and facilities in the City in concert with the management of other public utilities in the City. In order to do so, the City must have adequate and stable funding for its stormwater management program's operating needs and capital program.
5. Stormwater management services and stormwater management systems and facilities are needed throughout the City. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the City is consistent with the present and future needs of the community.
6. The provision of stormwater management services and stormwater management systems and facilities in the City promotes an essential regulatory purpose by influencing where stormwater runoff flows and how it is managed, thereby reducing flooding, erosion and water pollution caused by stormwater runoff.
7. By mitigating the impact of stormwater runoff from developed parcels, the stormwater management systems and facilities help prevent damage that would subject a parcel owner to civil liability.
8. The Mayor and Council is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the City and the community at large and the environment to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the City budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith.
9. The City has undertaken a comprehensive review by staff and professional consultants of the need for, management of, and funding for, a stormwater utility. The City staff reports and the professional engineering analysis submitted to the City properly assess and define the stormwater management problems, needs, goals, program priorities and funding opportunities of the City.

10. As a result, the Mayor and Council finds that a stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services and stormwater management systems and facilities, and the Mayor and Council finds that a stormwater services fee provides the most practical and appropriate means of funding stormwater management services in the City of Lawrenceville.

12-403

Definitions

The following definitions shall apply to this article. Any word or phrase not defined below but otherwise defined in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

1. Credit shall mean a conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the City's stormwater credits manual, to be adopted pursuant to this article, as it may be updated or amended from time to time.
2. City standards shall mean the City ordinances that govern water quality and water quantity including but not limited to the development regulations, the floodplain management ordinance, the soil erosion and sediment control ordinance, the illicit discharge and illegal connection ordinance, the stream buffer protection ordinance, the stream buffer mitigation bank ordinance, the zoning resolution, the stormwater design manual, and all procedures, rules and policies pertaining thereto as these may be updated or amended from time to time.
3. Customer shall mean all persons, parcels, and entities served by the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, parcels, and entities which will ultimately be served or benefited as a result of the stormwater management program.
4. Developed land shall mean all parcels not deemed as undeveloped land, as defined herein.
5. Direct lien shall mean a lien enforced against an individual or parcel prior to obtaining a judgment against the individual or

parcel, such as liens established by operation of law for unpaid taxes.

6. Director shall mean the City of Lawrenceville City Engineer or his/her designee.
7. Impervious surfaces shall mean any paved, hardened or structural surfaces, including but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways or other structures which prevent or impede the infiltration of stormwater into the soil.
8. Parcel shall mean a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
9. Private stormwater management systems and facilities shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, which are not public.
10. Public stormwater management systems and facilities (or City of Lawrenceville's Municipal Separate Storm Sewer System) shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence either the movement of stormwater runoff or water quality, which are either owned by the City or over which the City has accepted an offer of dedication of an easement or other legally binding permanent right of use for stormwater drainage, and for which the City has the obligation of maintenance for stormwater drainage purposes.
11. Stormwater management services may address the quality and the quantity of stormwater runoff and include all services provided by the City which relate to the:
 - A. Transfer, control, conveyance or movement of stormwater runoff through the City;

- B. Operation, maintenance, repair, enhancement and replacement of existing public stormwater management systems and facilities;
 - C. Planning, development, design and construction of additional stormwater management and facilities to meet current and anticipated needs;
 - D. Regulation of the use of stormwater management services or of stormwater management systems and facilities;
 - E. Education of the public as to stormwater issues;
 - F. Development plan review to require compliance with City standards;
 - G. Inspection for water quantity and water quality to require compliance with City standards;
 - H. Monitoring for water quantity and water quality to determine compliance with City standards, state water quality standards and stormwater management programs; and
 - I. Other services as the director may deem appropriate.
12. Stormwater service fees shall mean the periodic service charge imposed by the City to a parcel of developed land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities, which fees shall be used only for the purpose of funding the City of Lawrenceville stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities. Stormwater service fees shall be based on the relative contribution of each parcel to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities. The cost of operating expenses, capital investments and reserve accounts may be included in the stormwater service fees.
13. Undeveloped land shall mean a parcel that has less than 100 square feet of impervious surface.
14. Water quality shall mean the chemical, physical, and biological characteristics of the state's public utilities.

15. Water quantity shall mean the volume of runoff which is not entirely confined and retained completely upon a parcel.

12-404

Establishment of a stormwater utility

1. There is hereby established a stormwater utility within the engineering department which shall be responsible for providing stormwater management services, for providing stormwater management systems and facilities, and for determining labor, material and administrative fees for the operation of the stormwater utility throughout the City.
2. The Mayor and Council hereby transfers responsibility for stormwater services over the existing stormwater management systems and facilities and other related assets, including but not limited to properties upon which such facilities are located, easements, rights-of-entry and access, and certain equipment to the stormwater utility.
3. The stormwater utility shall provide stormwater management services, shall provide stormwater management systems and facilities and shall collect stormwater service fees and other fees as provided herein within the City in accordance with the terms of this article, subject to funding availability and to policy determinations made in the best interest of public health, welfare and safety and the environment, provided however that the stormwater utility shall not be authorized to operate outside of the boundaries of the City.
4. The stormwater utility shall be operated by the stormwater utility authority. Said authority shall be comprised of the City Clerk, the Director of Utilities, the Director of Sanitation, the City Engineer, the Director of Planning & Zoning, and two (2) citizens of the City of Lawrenceville. The quorum for conducting a regular meeting of this authority shall be fixed at five (5) members. Except for the number of authority members and the definition of a quorum, the authority shall establish by-laws and rules for conducting its meetings and business as its first order of business.

⁵12-405

Scope of responsibility for the stormwater utility

1. The stormwater utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and to policy determinations made in the best interest

of public health, welfare and safety and the environment. Additionally, the stormwater utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities, acceptance of which conforms to policies established by the Mayor and Council or those persons or entities designated by the Mayor and Council to set such policies.

2. The City owns or has rights established by written agreements which allow the stormwater utility to provide stormwater management services and access those stormwater management systems and facilities which are located:
 - A. Within public road rights-of-way and public road easements;
 - B. On private property but within easements granted to and accepted by the City, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions; or
 - C. On public land which is owned by the City or by another governmental entity, and with which the City has written agreements to provide stormwater management services and access to the stormwater management systems and facilities.
3. Stormwater management systems and facilities which are located on private property or on public property not owned by the City or leased to the City by another political subdivision of the State of Georgia, and for which there has been no written agreement granting easements which have been dedicated to and accepted by the City, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the City for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the laws of the state and the United States.
4. Should the stormwater utility determine that an emergency situation exists that has the potential to cause a hazard to the public health, safety and welfare, and the environment, it may provide stormwater management services to privately owned stormwater management systems to determine the severity of the hazard. Only by quorum of the Mayor and City Council shall the stormwater

utility provide remedial and/or maintenance services to privately owned stormwater management systems and facilities, regardless of any potential hazard to the public health, safety, and welfare.

5. It is the express intent of this article to protect the public health, safety and welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City, its elected officials, employees and agents arising out of any alleged failure or breach of duty or relationship.
6. If any permit, plan approval, inspection or similar act is required by the City as a condition precedent to any activity or change upon property not owned by the City pursuant to this or any other regulatory ordinance, regulation or rule of the City, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the City, its elected officials, employees or agents.

⁴12-406

Compensation

All members of the stormwater utility shall receive compensation in an amount to be determined by the Mayor and Council.

12-407

Establishment of enterprise fund

1. The City Clerk shall establish a stormwater enterprise fund in the City budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Mayor and Council.
2. Any revenues and receipts of the stormwater utility shall be placed in the stormwater enterprise funds and all expenses of the utility shall be paid from the stormwater enterprise funds, except that other revenues, receipts, and resources not in the stormwater utility enterprise funds may be applied to stormwater management operations and capital investments as deemed appropriate by the

Mayor and Council, upon recommendation of the City Clerk.

3. The City may pledge all or any portion of all income and revenue of any nature derived from the operation of the stormwater management systems and facilities owned by the City or owned by another political subdivision of the State of Georgia and leased to the City, including periodic stormwater service charges and other charges for stormwater service, to the payment of principal of premium, if any, and interest on any revenue bonds or other obligations lawfully issued or otherwise contracted for by the City as may be provided in any resolution authorizing such bonds or obligations or in any trust instrument relating to such bonds or obligations.

12-408 Rates of stormwater service fees to be established

In order to recover the cost of providing stormwater services and stormwater management systems and facilities while fairly and reasonably apportioning the costs among developed properties throughout the City based on the use of stormwater services and stormwater management systems and facilities, the Mayor and Council shall establish by resolution a stormwater service fee rate, which shall apply uniformly throughout the area of the City that may be included within the stormwater utility pursuant to the jurisdiction granted by this article. The fee is shown on Attachment “3” to this article, as approved by separate resolution of the Mayor and Council.

12-409 Effective date of stormwater service charges

The stormwater service fee shall accrue beginning September 1, 2007, and shall be billed periodically thereafter.

12-410 Credits

Owners of developed land may apply for and receive a stormwater service fee credit for on-site systems or facilities. The director or designee shall determine such stormwater service fee credits based on the technical requirements, design and performance standards contained in the City's stormwater credits manual, to be adopted by the director or designee pursuant to this article, as it may be updated or amended from time to time. All of the stormwater service fee credits that may be awarded pursuant to the stormwater credits manual shall not exceed forty (40) percent of the stormwater service fee applicable to a parcel. The stormwater service fee credits shall be effective on September 1, 2007. The director shall establish objective standards for securing credits under this Section and shall publish a written application for obtaining and

calculating the credits.

12-411 Stormwater service fee, billing, delinquencies and collections

1. The stormwater service fee may be billed separately, or on a customer statement and collected along with other fees for services, at the City's sole discretion, provided that in no instance shall the service fee constitute a direct lien against the parcel. Unpaid stormwater service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby.
2. A stormwater service fee bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the City may backbill for a period of up to one year, but shall not assess penalties for any delinquency due to the failure to send a bill or an under billing. A ten (10) percent per month late charge shall be assessed against the owner for the unpaid balance of any stormwater utility service charge that becomes delinquent.

12-412 Stormwater utility inspections and enforcement

1. Every occupant of real property located in the City, and every owner, contractor or developer who holds title to undeveloped real property located in the City, shall be obligated to provide stormwater management systems and facilities sufficient to collect, convey, detain, control and discharge stormwater in a safe manner consistent with all the City ordinances and development regulations, and the laws of the State of Georgia and the United States of America.
2. The director or designee shall be permitted to enter and inspect parcels and stormwater management systems and facilities at reasonable times as often as may be necessary to determine compliance with this article.
3. If a parcel or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner, developer or contractor shall make the necessary arrangements to allow access to the director or designee.

4. The owner, developer or contractor shall allow the director or designee ready access to all parts of the parcel or facility for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography and videotaping for the purpose of ensuring compliance with the provisions of this article. The owner, developer or contractor shall allow the director or designee to examine and copy any records that are required under the conditions of an NPDES permit or development permit. The director or designee shall duly notify the owner, developer or contractor of said parcel or the representative on site, except in the case of an emergency.
5. The director or designee shall have the right to set up on any parcel or facility such devices as are necessary in the opinion of the department to conduct monitoring and/or sampling of discharges.
6. The owner, developer or contractor may allow the City to install monitoring equipment and perform monitoring as necessary. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner, developer or contractor at shall be installed at the expense of the City. All devices used to measure flow and quality shall be calibrated to ensure their accuracy. Measurements, tests and analyses performed shall be completed in accordance with 40 CFR Part 136, unless the director or designee approves another method.
7. Any temporary or permanent obstruction to safe and easy access to the parcel or facility to be inspected and/or sampled shall be promptly removed by the owner developer or contractor at the written request of the director or designee and shall not be replaced. The costs of clearing such access shall be borne by the owner, developer or contractor.
8. Unreasonable delays in allowing the director or designee access to a facility or parcel shall constitute a violation of this article.
9. If the director or designee has been refused access to any part of a parcel or facility from which stormwater is or would likely be discharged, and the director or designee is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare

of the community, then the department may seek issuance of a search warrant from any court of competent jurisdiction.

10. The director or designee may determine inspection schedules necessary to enforce the provisions of this article.
11. Any failure to meet the obligations set forth in this section shall constitute a nuisance and be subject to an abatement action filed by any damaged party or by the City in any court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner, developer or contractor fails to properly abate within such reasonable time as allowed by the court, the City may enter upon the parcel and cause such work as is reasonably necessary to abate the nuisance with the actual cost thereof assessed against the owner, developer, or contractor, if any, on a joint and several basis. From the date of the filing of such action, the City shall have lien rights, which may be perfected, after judgment, by filing a notice of lien on the General Execution Docket of the Superior Court of Gwinnett County. The City of Lawrenceville shall have the right, pursuant to the authority of this article, for its designated elected officials and employees to enter upon private and public parcels owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the parcel and conduct surveys and engineering tests thereon in order to assure compliance with this section.

12-413

Appeals

1. Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:
2. An appeal must be filed in writing with the City Clerk or designee within 30 days of the decision that is appealed. The appeal must be on a form prepared by the City Clerk and shall include such information as is reasonably necessary to understand the issue appealed as requested by the Authority.
3. The Authority shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt.
4. In response to an appeal the Authority may adjust the stormwater service fee applicable to a parcel in conformance with the general purpose and intent of this article.
5. All decisions by the Authority shall be final.

6. The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the City Clerk or designee may be appealed by application for writ of certiorari in the Superior Court of Gwinnett County, filed within 30 days of the date of receipt of service of the decision of the City Clerk or his/her designee.

12-414 Authority to implement article

The director or designee is authorized to make all necessary and reasonable rules, procedures and policies with respect to the enforcement of this article. All such rules, procedures and policies shall be consistent with the provisions of this article and shall be effective 30 days after being signed by the director or designee and placed in the central files of the engineering department.

The Authority, following the procedures contained in 43-107, including the obtaining of the approval of the Director of Utilities or the City Clerk, may make expenditures up to \$40,000.00 to complete tasks within the scope of the Authority as defined herein. Such expenditures in excess of \$40,000.00 must be approved by a vote of the Mayor and Council.

12-415 Severability

If any portion of this ordinance or the application thereof shall be held invalid or unconstitutional, the other provisions of this ordinance shall not be affected, and to this end the provisions of this ordinance are declared to be severable.

12-416 Effective Date

The effective date of this ordinance shall be September 1, 2007.

¹ *An Ordinance to Amend Sections 12-104 and 12-105 of the City of Lawrenceville's Solid Waste Management Ordinance was adopted on December 5, 2005.*

² *An Ordinance to Amend Chapter 12 of the City of Lawrenceville General Code of Ordinances 2005, Solid Waste Management and Stormwater Utility Ordinance was adopted on May 7, 2007.*

³.*An Ordinance to Amend Penalty Provisions and to Make Technical Revisions Within Certain Sections of the City of Lawrenceville's 2005 Code of Ordinances was adopted on September 10, 2007.*

⁴ An ordinance to Amend Penalty Provisions and to Make Technical Revisions Within Certain Sections of the City of Lawrenceville's 2005 Code of Ordinances was adopted on September 10, 2007.

⁵ An ordinance to Amend Sections 12-405(4) and 12-414 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on July 1, 2010.