

**TERRELL COUNTY, GEORGIA  
CURBSIDE COLLECTION ORDINANCE**

**ARTICLE I. - IN GENERAL**

**Sec 38-5-1 - Title**

This article shall be known as the "Terrell County Curbside Collection Ordinance".

**Sec 38-5-2 - Curbside Collection Special Tax District**

A curbside collection Special Tax District is hereby created and established, composing of all the unincorporated areas within the county.

**Sec 38-5-3 - Purpose**

The purpose of this ordinance is for the establishment of a method for maintaining cleanliness in Terrell County. It includes, but is not limited to, the use of a curbside collection container and bulk item pickup.

**Sec 38-5-4 - Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases not specifically defined in this section shall have their ordinarily understood meaning.

Definitions contained in O.C.G.A. §12-8-1 et seq., and more particularly set forth in O.C.G.A. §12-8-22, are hereby incorporated by reference; provided, however, that terms defined therein which are not used in this article shall be deemed to be inoperative.

- a) Agreement: A contract agreement, including exhibits and any amendments thereto, agreed to by the County and the Contractor during the term of the Agreement, providing for solid waste collection services.
- b) Board: means The Terrell County Board of Commissioners.
- c) Bulk Items: Those items of furniture, such as sofas, chairs, tables, carpets and other large items, which cannot reasonably be placed in a 96 gallon rollout cart.
- d) Cart: An industry standard cart and rollout receptacle for Residential Solid Waste with a capacity of not less than 96 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors.

- e) C & D Materials: Waste materials generated by the construction, remodeling, repair or demolition of residential, commercial or other structures.
- f) Commercial Premises: All non-residential premises, public or private requiring solid waste collection within the unincorporated area of the County, including commercial, industrial, institutional, and governmental premises.
- g) Commercial Hand-Load Customer: All commercial premises utilizing a cart for the placement of their solid waste for collection by the Contractor.
- h) Commercial Solid Waste: All garbage, rubbish and other acceptable waste generated by a commercial premises and all C & D Materials, excluding hazardous waste.
- i) County: Terrell County, Georgia, a political subdivision of the State of Georgia.
- j) Curbside: The location adjacent to the traveled portion of a publicly owned roadway designated by the Contractor for the placement of carts and other solid waste for collection.
- k) Contractor: Person, firm, corporation, organization, or entity with whom the County has executed a contract for performance of the work or supply of equipment or materials, and its duly authorized representative.
- l) Facility: Means one or more of the following: (1) Materials recovery facility; (2) Municipal solid waste disposal facility; (3) Private industry solid waste disposal facility; (4) Recovered materials processing facility; all as defined in O.C.G.A. §12-8-22.
- m) Garbage: Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other farm products.
- n) Hazardous Waste: Any solid waste identified or listed as a hazardous waste by any agency of the State of Georgia or the administrator of the U.S. Environmental Protection Agency pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 72 U.S.C. 6901 et seq., as amended, including future amendments thereto.
- o) Permit: Means any permit issued by the director pursuant to the provisions of O.C.G.A. §12-8-1, et seq.
- p) Plan: Means the Terrell County Solid Waste Management Plan.
- q) Residential Premises: A dwelling within the unincorporated area of the County occupied by a person or group of persons, including single family homes, duplexes,

triplexes, quadraplexes, and mobile homes whether such mobile homes are registered as vehicles or assessed as real property.

r) Residential Solid Waste : All garbage and rubbish generated by a residential premises, excluding automobile parts, tires, C & D materials, yard waste, white goods, hazardous waste, or other unacceptable materials.

s) Rubbish: Non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans or other such waste.

t) Rule: Means one or more rules of the State Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4, Solid Waste Management.

u) Tire: Means a hollow ring made of rubber or other materials, which is designed for placement on the wheel or rim of a motor vehicle to facilitate its operation. In this Article, the word applies to used, discarded or scrap tires.

v) White Goods: Refrigerators, ranges, washers, water heaters, and other similar domestic appliances.

w) Yard Waste: Leaves, brush, grass clippings; shrubs and tree prunings and other vegetative materials from the maintenance of yards, lawns and landscaping at residential premises.

#### **Sec 38-5-5 - Collection Fee Imposed**

There shall be a Household Curbside Collection Fee imposed to recover the costs of operating the household solid waste curbside collection in Terrell County. Said Fee shall be set from time to time by the Board of Commissioners to carry out the intention of this ordinance and to provide adequate revenues for the operation of the curbside collection process.

#### **Sec 38-5-6 - Supervision and Administration**

The board shall specify from time to time the division or agency of the county which shall have supervisory and enforcement authority with respect to the provisions of this article. Unless otherwise specified in this article, whenever there is any requirement for the County to take any action or receive any action, the designated division or agency shall act on behalf of the county.

#### **Sec 38-5-7 - Billing**

Billing for the Household Curbside Collection Fee shall be done on an annual basis by the Terrell County Board of Commissioners.

### Sec 38-5-8 - Use of Fees

All fees imposed herein within the unincorporated area of the County shall be used and appropriated to pay the cost of collection, storage, and/or disposal service for all solid waste within the County, and the necessary related expenses associated therewith by the County, its franchisee, licensee, permittee, or Contractor, including, but not limited to, the purchase of solid waste collection, storage, and/or disposal vehicles, trailers and other equipment; the construction and operation of solid waste collection, storage, and/or disposal collection and/or transfer stations; transportation costs to the disposal site and/or transfer site, tipping fees and disposal charges; and such other costs and expenses as may be deemed needed from time to time by the Board of Commissioners in order to collect, store and/or dispose of solid waste generated within the district.

### Sec 38-5-9 - Preparation and Storage Generally

It shall be the duty of both the occupant and owner of every residential residence located in the unincorporated area of the County to keep all solid waste generated by each such residential unit pending collection and disposal by its franchisee, licensee, permittee, or Contractor as follows:

- 1) Solid waste shall be free from excessive liquid and placed in plastic bags or solid waste container. One 96 gallon container shall be provided to each residence by the County's franchisee, or Contractor for use by that residence for solid waste storage and disposal purposes.
- 2) Solid waste shall be bagged and stored in wheeled containers furnished by its franchisee, or Contractor which shall be covered at all times. Such containers must be kept clean.

### Sec 38-5-10 - Collection of Refuse Generally

- a) The County shall have the exclusive right to collect and dispose of all residential solid waste within the unincorporated area of the County either through its franchisee or Contractor with a license or permit issued to a person engaged in the business of residential solid waste collection and disposal. No person shall collect, remove, transport, or dispose of any residential solid waste within the unincorporated area of the County except as provided for herein and except with the express permission of the County.
- b) The County's franchisee or other designated Contractor will collect solid waste within the unincorporated area of the County under the following conditions:

- (1) Residential solid waste, garbage and rubbish will be collected once each week from residential premises.
- (2) The franchisee or other designated Contractor may decline to collect:
  - A) Garbage and rubbish contained in unauthorized containers;
  - B) Any containers that contain excessive liquid;
  - C) Any garbage or rubbish not properly contained; and
  - D) Any containers that contain hazardous waste.
- (3) The County shall not be responsible for curbside collection of:
  - A) Bulk items;
  - B) C & D materials;
  - C) Hazardous waste;
  - D) White goods;
  - E) Yard trash; and
  - F) Additional residential collection containers.

However, the owner of the property may contract with the County's franchisee for the collection of such items.

**Sec 38-5-11 - Fees, Generally**

- a) The fees for collection of residential solid waste, garbage and rubbish levied pursuant to the terms of this division and all late charges accruing thereon are hereby levied severally against the owner of each residential unit, including all residential units located in manufactured home parks.
- b) The fees and late charges, prescribed in this section shall constitute a continuing lien against the real property upon which each residential unit is located; on the personal property composing a residential unit, and upon the personal property of the occupant of each residential unit, until paid.
- c) The fees and late charges, prescribed in this section shall be billed in the following manner: Each residence shall be billed annually for the total yearly costs for solid

waste collection. Failure to pay the aforesaid sanitation services shall result in the collection of the aforesaid fees by any and all legal remedies available to the County.

- d) The annual fees for solid waste collection hereby levied shall be due and payable as instructed on the bills, and if the same are not paid by the due date, such amount shall be levied a late charge and penalty in the same manner as delinquent ad valorem taxes.

#### **Sec 38-5-12 - Fee Exemptions**

The fee set forth above shall not apply to the following:

- a) Any real property which is unimproved or otherwise contains no residential premises.
- b) Such real property which contains improved residential premises for which the owner has signed, under oath and by penalty of perjury, a certificate indicating such premises is not in need of curbside collection.

#### **Sec 38-5-13 - Non-Liability**

- a) Whenever the owner or occupant of a residence from which solid waste is collected by its franchisee or Contractor authorizes or permits the use of private driveways or other portions of private property for such collection, such authorization or permission, whether express or implied, shall be deemed to constitute a waiver on the part of the owner or occupant of the residence of any claim for damages against the County, its officers, agents, employees, franchisees, and Contractors which result from the use of such private property in the collection process.
- b) The County and any person or entity acting as its franchisee or Contractor pursuant to franchise or contract shall be deemed to have been invited and authorized to enter upon private property for the purpose of collection of solid waste in those cases where other than curbside collection has been requested by the owner or occupant of the residence or commercial premises and approved by the County and/or its franchisee or Contractor.

#### **Sec 38-5-14 - Use of Facilities Required**

The owner and occupant of each residential unit, including residential units located in manufactured home parks, shall dispose of solid waste only by means of a collection and disposal service provided by the franchisee, permittee, or Contractor.

**Sec 38-5-15 - Termination of Service**

Whenever a residential unit becomes vacant, destroyed by fire or other casualty, or is demolished or for some other similar reason no longer generates solid waste, it is incumbent severally upon the owner and former occupant of such residential unit to notify the County in writing of same. The County may cause such investigation of the report as it deems appropriate and if the County finds the same to be consistent with the report, the County may discontinue charging any fees for solid waste collection to the residence. In the event the County determines that the facts are inconsistent with the report, the residential unit shall continue to be charged the appropriate fees for solid waste collection.

Similarly, if service has been discontinued pursuant to a notice as provided in this section, but is thereafter resumed, or if land which was previously vacant has been improved with a residential unit and begins to receive service, it shall be incumbent on the owner and occupant, severally, to notify the County of such commencement of or resumption of service. The fee prescribed in this article shall be payable for such property from and after the date of commencement or resumption of service, whether or not notice has been received.

**Sec 38-5-16 - Resumption of Service**

The County may charge a fee for resumption of service to the owner and/or occupant of a residential unit where service has been previously discontinued. The amount of such fee shall be that as set from time to time by the Board of Commissioners.

**Sec 38-5-17 - Unlawful Disposal of Solid Waste, Refuse, Garbage or Rubbish**

- a) It shall be unlawful for any person to dump or bury or cause to be dumped or buried any garbage, refuse, solid waste, or rubbish anywhere in the unincorporated area of the County not previously approved by the County and/or the appropriate State authorities.
- b) Improper disposal prohibited. The disposal of solid waste in any manner that will impair the air quality, impair the quality of ground or surface water, impair the quality of the environment or likely create other hazards to the public health, safety, or well being is prohibited.

**Sec 38-5-18 - Penalty for Violations**

Each violation of any of the provisions of this Article shall be punishable as provided in the Terrell County Code. Violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations as provided in O.C.G.A. §15-10-6, *et seq.* Citations shall be issued by the Sheriff's Department, Code Enforcement Officer or their designee. Service upon corporations, partnerships, or other entities and organizations shall be effected by serving any managing agent located in the County, or by serving the registered agent, or any officer or partner of the corporation, partnership, organization or entity. The provisions of this Article may also be

enforced through the use of other remedies, such as injunctive relief, provided by the laws of this State.

#### **Sec 38-5-19 - Violations by Entities**

Whenever a corporation, partnership, organization or other entity shall violate any of the provisions of this Article such violations shall be deemed to be also that of the individual directors, officers, or agents of such corporation, partnership, organization or other artificial entity who shall have authorized, ordered or done any of the acts constituting in whole or in part such violation. In such cases, service shall also be made upon the individual director, officer, or other agent accused of authorizing, ordering, or doing acts constituting in whole or in part violations of this article.

#### **Sec 38-5-20 - Placement**

The owner, occupant, tenant or lessee of each residential unit shall, no later than 6:00 a.m. on the normal pick up days designated by the County, franchisee, or Contractor shall place the containers at the location established by the County, franchisee, or Contractor for pick up. Containers shall be removed from the pick up location to the premises of the owner, occupant, tenant or lessee of each such residential unit or to an unobtrusive and non-conspicuous location off of the right of way, no later than 24 hours after the day of pick up, subject only to the exceptions enumerated in Section 38-5-21.

#### **Sec 38-5-21 - Placement Exceptions**

The following are excepted from Section 38-5-20:

- (a) Any person with documented disabilities, because of age or physical condition, living in a residential unit where there is no resident or occupant thereof physically capable of placing the container at the designated pick up location, shall notify the County and if the County shall find that there is no one in or upon the residential unit on a regular basis physically capable of placing the container at the designated pick up location, then the County may arrange for the solid waste to be picked up at the place on the premises of the residential unit where the container is maintained by the occupant.
- (b) The County may establish exceptions for designated residential unit which are determined to be unsuitable for curbside pickup, taking into consideration the terrain, features or other physical impediments, and at such premises, pick up service shall be provided to residential units as determined by the County; or in alternative, the occupant may be instructed to place only plastic, securely tied bags at a designated location on scheduled pick up days.

### **Sec 38-5-22 - Removal From Premises**

The wheeled container furnished by the franchisee or Contractor shall not be removed from the premises of the residential unit to which they are delivered and it shall be the duty of the occupant of the residential unit, if the dwelling is to be vacated by the occupant, to notify the County seven days prior to the vacancy.

### **Sec 38-5-23 - Replacement**

If a container previously furnished by the franchisee or Contractor to any residential unit is damaged, destroyed, or stolen, it shall be the duty of the owner or occupant of the residential unit to immediately notify the County and to cooperate with the Board of Commissioners and the County Sheriff in investigating the cause of the damage, destruction or theft. Further, the owner or occupant shall, if requested to do so, appear in the appropriate Court as a witness should a prosecution result from the investigation. A replacement container shall be furnished to the residential unit and such unit may be charged a replacement fee as determined by the County, its franchisee, or Contractor.

### **Sec 38-5-24 - Additional Containers**

Additional containers may be obtained by each residential unit upon payment of an additional annual fee to the County, its franchisee, or Contractor.

### **Sec 38-5-25 - Damaging Containers**

It shall be unlawful for any person to willfully and intentionally damage or destroy or to allow or permit damage to or destruction of any container provided by the County, its franchisee, or Contractor.

### **Sec 38-5-26 - Establishment of Policies and Procedures**

The Board of Commissioners shall be entitled to establish appropriate policies and procedures by resolution to facilitate and carry out the intention and administration of this Ordinance.

**CERTIFICATION TO BE EXEMPT  
FROM CURBSIDE COLLECTION ORDINANCE**

I hereby certify pursuant to the Terrell County Curbside Collection Ordinance Section 38-5-12 that I do not wish to have curbside collection for my property located at

Address and/or Tax Parcel ID#: \_\_\_\_\_  
\_\_\_\_\_

I hereby certify, under penalty of perjury and violation of said Ordinance, that the real estate improvements located on the Subject Property are vacant and do not require the need for curbside collection.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed or typed name

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**TERRELL COUNTY, GEORGIA CURBSIDE COLLECTION ORDINANCE**

**THIS ORDINANCE SHALL BE EFFECTIVE AS OF NOVEMBER 1, 2009.  
ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN  
SHALL BE HEREBY REPEALED.**

**ENACTED AND ADOPTED THIS 6<sup>TH</sup> DAY OF JANUARY, 2010.**

*Wilbur T. Gamble*

**WILBUR T. GAMBLE, CHAIRMAN**

**TERRELL COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

*Beth Parnacott*

**BETH PARNACOTT, COUNTY CLERK**

**COUNTY SEAL**