COUNTY AGENDA REQUEST

Department:	Solid Waste	Presenter(s):	Vanessa Birrell
Meeting Date:	Wednesday, May 2, 2012	Type of Request:	Consent

Wording for the Agenda:

Approval of Ordinance No. 2012-07 amending the Fayette County Code, Chapter 19, Utility Regulations, Article IV, Solid Waste Management.

Background/History/Details:

The Solid Waste Department is proposing amendments to the Fayette County Code, Chapter 19, Utility Regulations, Article IV Solid Waste Management.

The proposed amendments include deleting sections pertaining to fee collection for disposal, separation of recyclable materials, and reporting requirements by trash collection entities.

Both of the County's landfills are closed, and therefore fees are not collected for dumping; and recyclable materials do not have to be separated.

This request is being made in order to remove outdated requirements from the Fayette County Code. Subsequent regulations and compliance therewith negate the need for the county's old regulations to remain in the Code.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance No. 2012-07 amending the Fayette County Code, Chapter 19, Utility Regulations, Article IV, Solid Waste Management.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, May 2, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Section 8-301. STATE OF GEORGIA;

COUNTY OF FAYETTE

ORDINANCE NO. 2012-

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA CHAPTER 19, THE FAYETTE COUNTY UTILITY REGULATIONS, AS AMENDED SPECIFICALLY ARTICLE IV SOLID WASTE MANAGEMENT; TO PROVIDE FOR DISPOSAL FEES, SEPARATION OF RECYCLABLE MATERIAL; TO PROVIDE FOR SOLID WASTE REPORTING REQUIREMENTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the ethical standards of county officials as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia, shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. **That Article IV of Chapter 19 Solid Waste Management Regulations of the Code of Ordinances, Fayette County, Georgia is hereby deleted in its entirety and replaced to read as follows:**

ARTICLE IV. - SOLID WASTE MANAGEMENT

~~**Sec. 19-71.** County landfill fees.~~

~~The following are fees to be charged by the county landfill for dumping at the county landfill:~~

~~(1) Commercial packers—$5.00 per cubic yard.~~

~~(2) Building materials, refuse and demolition materials—$12.50 per cubic yard.~~

~~(3) Household refuse, including, but not limited to, old carpet, old furniture, etc., and all yard clippings and waste—$5.50 per cubic yard.~~

~~(4) Major appliances—$5.00 each.~~

~~(5) Tires—$1.00 each.~~

~~(6) General fee schedule.~~

~~a. One dollar ($1.00) per instance to a maximum of four (4) 13-gallon bags or the equivalent.~~

~~b. Two dollars ($2.00) per instance for five (5) to eight (8) 13-gallon bags or the equivalent.~~

~~c. Four dollars ($4.00) per instance for nine (9) or more 13-gallon bags or the equivalent.~~

~~(Ord. No. 90-19, 12-19-90)~~

~~Sec. 19-72.~~ ~~Separation of recyclable materials.~~

~~(a) All residents of the county using the county landfill shall separate trash and/or garbage into separate containers as follows:~~

~~(1) Newspapers.~~

~~(2) Magazines and cardboard.~~

~~(3) Aluminum cans and aluminum products (which shall have been emptied of all contents both liquid and solid).~~

~~(4) Glass products which shall be further separated by color: Clear, green, and brown (which shall have been emptied of all contents both liquid and solid).~~

~~(5) Mixed metals, pots, pans, cooking utensils, and other food type cans.~~

~~(6) Plastics.~~

~~(b) County residents using the county landfill who fail to separate recyclable trash and/or garbage from other garbage will be refused the service of the landfill.~~

~~(c) The standard use fee shall be waived for those residents of the county delivering recyclables separated as required by this section.~~

~~(Ord. No. 91-06, 8-8-91)~~

~~Sec. 19-73.~~ ~~Registration; solid waste reporting requirements.~~

~~(a) Any and all firms collecting solid waste in the unincorporated areas of the county shall be required to register with the engineering department.~~

~~(1) The engineering department shall have the authority to devise such forms as are necessary for obtaining the information required by this section.~~

~~(2) Each registrant shall provide the following information at the time of registration:~~

~~a. Company name.~~

~~b. Mailing address.~~

~~c. Phone number.~~

~~d. Owner(s) of company.~~

~~e. Contact person responsible for operations in the county.~~

~~(3) Within fifteen (15) days following the close of each calendar quarter ending March 31, June 30, September 30 and December 31 of each year of operation, registrant shall submit to the county engineer's office reports of operation showing the following information:~~

~~a. Tonnage figures showing total recovered materials collected by type (newsprint, glass, etc.) separately for the unincorporated county and the municipalities.~~

~~b. Tonnage figures showing total waste tonnage collected by service type (garbage, recyclables, yard trimmings) separately for the unincorporated county and also for the municipalities.~~

~~c. Names and locations of state approved disposal facilities used and tonnages disposed of at each location.~~

~~d. Average percentage of customers during the quarter participating in curbside recyclable materials collection program.~~

~~(4) Registration shall be renewed on an annual basis.~~

~~(b) *Fees.* The county board of commissioners shall reserve the right to charge such fees as are reasonable for covering the administrative cost of processing forms and information required by this section.~~

~~(c) *Penalties.* Failure to comply with the requirements of this section will result in the offending company or person not being allowed to use the solid waste handling facilities of the county until such time as compliance is obtained.~~

~~(Ord. No. 95-11, § 1, 7-13-95)~~

~~**Secs. 19-74—19-85.** Reserved.~~

Secs. 19-74—19-85.- Reserved.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

<u>Section 4.</u> All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

<u>Section 5</u>. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS 10th DAY OF May, 2012.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____

Herbert E. Frady, Chairman

ATTEST:

_____

Carol Chandler, County Clerk