

GWINNETT COUNTY SOLID WASTE ORDINANCE

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APPENDIX C

SOLID WASTE COLLECTION AND DISPOSAL SERVICES

Sec. 4. 2001 Purpose

The purpose of this ordinance is to provide for a comprehensive and effective means of regulating the collection, transportation, and disposal of solid waste in Gwinnett County to protect the health, safety, and general welfare of citizens of the county.

Sec. 4. 2002 Definitions.

Biomedical waste. Pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated.

Commercial establishment. Any hotel, motel, apartment dwelling, roominghouse, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a one- or two-family dwelling unit or condominium.

Commercial solid waste. All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

Composting. The controlled biological decomposition of organic matter into stable, odor-free humus.

Condominium. Individual ownership units in a multifamily residential structure with a front and back entrance to each unit on the ground level.

Construction/demolition waste. Waste building material 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 asbestos, asbestos containing waste, 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.

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Disposal facility. Any facility or location where the final disposition of solid waste occurs and includes but is not limited to landfill and solid waste thermal treatment technology facilities.

Dispose. To get rid of, deal conclusively with or transfer to the control of another.

Garbage. Food waste, including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetables.

Hazardous waste. Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency.

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; fertilizers 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.

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

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.

Open dump. A disposal facility of which solid waste from one or more sources is consolidated and left to decompose, burn or to otherwise create a threat to human health or the environment.

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Owner. Any person, firm or corporation owning, leasing, renting, occupying, or managing any premises in the jurisdiction of the Board of Commissioners of Gwinnett County.

Person. The State of Georgia or any other state agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

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.

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

Reclamation. A controlled method of sorting and storing materials from solid wastes for future use.

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.

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.

Refuse. Garbage, rubbish, or commercial solid waste.

Residential unit. Any freestanding structure or shelter or any part thereof used or constructed for use as a residence for one family.

Rubbish. Discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass crockery, dunnage and/or similar materials.

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Sanitary landfill. A disposal site where putrescible solid wastes are disposed of by means of placing an earth cover thereon and which is approved by the Georgia Department of Natural Resources for such purpose.

Service area. Any one of the seven areas designated on the April 1991 Solid Waste Service Area Map, a copy of which is attached to this ordinance as Exhibit A.

Service provider. A person, persons or entity granted an authorization to provide service by the Gwinnett County governing authority who, under written agreements for compensation by those receiving services, does the work of collecting and transporting solid waste from industry, 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.

Solid waste. Any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC section 1342; or source, special nuclear, or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended, (68 Stat. 923).

Solid waste handling. The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

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.

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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 financial services 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.

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.

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.

(Ord. of 10-11-93; Ord. of 8-6-96; Res. of 6-16-98; Res. of 11-16-99(2); Ord of 12-11-0(4))

Cross Reference: Definitions generally, § 1-2

Sec. 4 .2003 General.

(a) 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 water; 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.

(b) 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.

(Ord. of 10-11-93; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editors note: See editor's note following § 4-2002.

Sec. 4 .2004 Exemptions.

(a) Provisions of this ordinance shall not apply to any individual disposing of household solid wastes originating from his primary residence onto land or facilities owned by him which are zoned RA-200 when disposal of such wastes does not thereby adversely affect the public health. This ordinance shall not apply to any individual,

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corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. If such individual, corporation, partnership or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a ten-year storm, such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in this ordinance shall limit the right of any person to use poultry or other animal manure for fertilizer.

(b) Provisions of this ordinance shall not apply to owners of record of all one and two family dwellings, condominiums, or multifamily dwellings units who dispose of solid waste by self-hauling such waste to a state approved landfill. Failure to provide evidence of proper disposal upon request by county officials (receipts, canceled checks, or other proof of payment) shall be a violation of this ordinance, punishable as set forth in section 4-2018.

(c) Provisions of this ordinance shall not apply to any individual, partnership, corporation, or other entity not collecting and disposing of municipal solid waste, commercial solid waste, construction/demolition waste, or industrial waste for a fee, but who are holders of valid solid waste handling permits from the Director of the Environmental Protection Division of the Georgia Department of Natural Resources pursuant to Rules of Georgia Department of Natural Resources Environmental Protection Division 391-3-4-.02 and 391-3-4-.06 for disposal or onsite burial. Such disposal shall be governed by State Environmental Protection regulations and by the requirements of the current Gwinnett County Development Regulations.

(d) Composting is expressly allowed or permitted pursuant to this ordinance.

(e) Dead animals shall be disposed of pursuant to state law.

(f) Biomedical waste and hazardous waste shall be disposed of pursuant to state law.

(g) Provisions of this ordinance shall not apply to 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. This provision shall not be construed to relieve such persons of any requirements under federal or state law.

(Ord. of 10-11-93; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See editors note following section 4-2002.

Sec. 4. 2005 Prohibited acts.

(a) 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.

(b) No individual, partnership, corporation, or other entity shall collect and dispose of municipal solid waste for a fee without obtaining an authorization to provide service from the governing authority. 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 governing authority, unless exempt pursuant to subsection 4-2003 (c) or (f).

(c) 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.

(1) A person shall be presumed to have violated this provision if, upon written notification by the Chief of the Gwinnett County Police Department that solid waste has been dumped on that person's property, such person fails to provide the Chief of Gwinnett County Police Department or his/her designee within 15 days of notification with written assurance that the accumulation of solid waste will be properly disposed of within 30 days from the original date of notification.

(2) No person who first informs the Chief of the Gwinnett County 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 solid waste will be properly disposed of within 45 days of the date of such written notification and subsequently provides proof of such disposal.

(d) 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

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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.

(e) No owner, occupant, manager or other person in charge of any premises, place, or facility shall allow the accumulation on premises under his/her control, or on or about his/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.

(f) No person may dispose of yard trimmings in Gwinnett County or dispose of yard trimmings generated in Gwinnett County unless such disposal is carried out in accordance with the following restrictions:

- (1) Yard trimmings shall not be placed in or mixed with municipal solid waste;
- (2) Yard trimmings shall not be disposed of in municipal solid waste disposal facilities that have liners and leachate collection systems or that requires vertical expansion;
- (3) Yard trimmings shall be sorted and stored for collection in a manner that facilitates collection, composting, or other lawful handling;
- (4) Upon collection, yard trimmings shall be sorted and stockpiled until their ultimate disposal by chipping, mulching, other beneficial use, or recycling.
- (5) Yard trimmings shall not be placed in the street, at the curb of or adjacent to the street in front of any residence, place or premises for more than two weeks. Each day such wastes remain at the curb after the 14th day shall constitute a separate violation of this ordinance.

(Ord. of 10-11-93; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note : See editors note following section 4-2002.

Sec. 4-2006 Authorization to provide service.

(a) A service area map is hereby adopted and attached to this ordinance as Exhibit A. Copies of this ordinance and map shall be available for public inspection in the offices of the county clerk, the department of Financial Services, and at other locations as designated by the clerk.

(b) Nonexclusive authorization to provide services for residential or commercial collection and disposal for one or more areas designated on the service area map shall be granted upon application to the director of the department of Financial Services or his/her designee, provided authorization to provide services meet at least the minimum requirements set out in section 4-2007 and 4-2008. The right to provide service authorized in collection and disposal of solid waste shall be granted for a period of no more than three calendar years from January 1 to December 31.

(c) 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 board of commissioners reserves the discretionary authority to revoke or rescind any such authorization to provide service in the interest of the health, safety, welfare of the citizens of Gwinnett County.

(Ord. of 10-11-93; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See editors note following section 4-2002.

Sec. 4 .2007 Application and Requirements for service providers.

All service providers must meet the following minimum requirements:

(a) Application.

(1) All persons, firms or corporations desiring to provide solid waste collection and disposal service in unincorporated Gwinnett County shall make application on the form prescribed by the Licensing and Revenue Manager.

(2) 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)

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and the name of any person or legal entity owning twenty percent 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 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 Licensing and Revenue Manager the name and address of the new manager and other information as requested within ten days of such change.

(b) Occupational Safety and Health Administration (OSHA) and Georgia Department of Transportation (DOT) Requirements.

(1) The applicant must submit a notarized statement certifying all solid waste collection and disposal equipment meets minimum OSHA safety and health standards.

(2) 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.

(c) *Permit.* Prior to engaging in solid waste handling in Gwinnett County, 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.

(d) *Insurance.* At the time of submission of a signed authorized service agreement and prior to engaging in solid waste handling in Gwinnett County, and annually thereafter, each service provider shall provide to the Gwinnett County Department of Financial Services, proof of insurance as follows:

(1) Statutory workers' compensation insurance.

a. Employer's liability for bodily injury by accident: \$100,000 each accident.

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- b. Employer's liability for bodily injury by disease: \$500,000 policy limit \$100,000 each employee.
- (2) Commercial general liability insurance
- a. One-million-dollar limit of liability per occurrence for bodily injury and property damage.
 - b. The following additional coverage must apply:
 - * 1986 (or later) ISO commercial general liability form
 - * Additional insured endorsement (Form B CG 20 10)
 - * Blanket contractual liability (included in 1986 or later forms)
 - * Severability of Interest (included in 1986 or later forms)
 - * Personal Injury (deleting both contractual and employee exclusions)
 - * Incidental medical malpractice
 - * Hostile fire pollution wording
- (3) Auto liability insurance
- a. One-million-dollar limit of liability per occurrence for bodily injury and property damage.
 - b. Comprehensive form covering all owned, non-owned, leased, hired, and borrowed vehicles.
 - c. Additional insured endorsement.
 - d. Contractual liability.
- (4) Umbrella liability insurance - minimum \$2,000,000 limit of liability
- The following additional coverage must apply:
- * Additional insured endorsement
 - * Concurrency of effective dates with primary
 - * Blanket contractual liability
 - * Drop down feature
 - * Care, custody, and control - follow form primary
 - * Aggregates: Apply where applicable in primary

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* Umbrella policy must be as broad as the primary policy

(5) Gwinnett County Board of Commissioners (and any applicable Authority) should be shown as an additional insured on General liability, Auto liability and Umbrella liability policies.

(6) The cancellation provision must provide 30 days notice of cancellation.

(7) Certificate Holder must read:

Gwinnett County Board of Commissioners
75 Langley Drive
Lawrenceville, GA 30045-6900

(8) 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.

(9) The Georgia Department of Insurance must license Insurance Company to do business.

(10) Certificates of Insurance, and any subsequent renewals, must reference solid waste collection and disposal services.

(11) The service provider shall agree to provide complete certified copies of current insurance policy(ies) if requested by the county to verify compliance with these insurance requirements.

(12) The service provider 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. Service provider agrees that if for any reason its subcontractor fails to procure and maintain insurance as required, all

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such required insurance shall be procured and maintained by service provider at service provider's expense.

(13) No service provider 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 Gwinnett County as to form and content has been filed with Gwinnett County. 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.

(14) The service provider shall agree to waive all rights of subrogation against the county, the board of commissioners, its officers, officials, employees, and volunteers from losses arising from work performed by the service provider.

(15) Compliance by the service provider and all subcontractors with the foregoing requirements as to carrying insurance shall not relieve the service provider and all subcontractors of their liability provisions of the contract.

(16) Service provider 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.

(17) Service provider shall at a minimum apply risk management practices accepted by the contractors' industry.

(e) *Indemnification.* Service provider shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, 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.

(f) *Financial stability.*

(1) All service providers shall, prior to engaging in solid waste handling in Gwinnett County, give a fidelity bond, payable to Gwinnett County for the benefit

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of the citizens of Gwinnett County 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.

(2) All service providers shall, prior to engaging in solid waste handling in Gwinnett County, post with the department of Financial Services a performance bond in an amount of \$100,000.00. Alternatively, service providers may provide an irrevocable letter of credit in lieu of bond.

(3) In lieu of separate bonds or letters of credit described in [subsections] (1) and (2) 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 the department of Financial Services or his designee, but in no event may be less than \$150,000.00.

(4) 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.

(g) *Vehicles.*

(1) 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.

(2) 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 county officials for compliance with environmental and highway safety standards.

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- (3) 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.
 - (4) 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.
 - (5) 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.
- (h) *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 the department of Financial Services or his/her designee reports of operation showing the following:
- (1) Gross collection revenues and average number of customers during quarter by service type.
 - (2) Tonnage figures showing total waste tonnage collected by service type.
 - (3) 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.
 - (4) Proof of disposal of nonrecovered materials at state approved disposal facilities and name of each such facility.
 - (5) 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 County Administrator to a financial audit by a certified public accountant or auditor employed by Gwinnett County. Except for the operating reports described In subsections (1) through (4) above, the information provided in accordance with this section shall be confidential.

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The above information shall be complied with for state reporting purposes by Gwinnett Clean and Beautiful. The Department of Financial Services shall provide Gwinnett Clean and Beautiful with full access to its files regarding solid waste for such purposes.

(i) *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:

- (1) Telephone number and title of the company official signing the assurance letter;
- (2) Address of the landfill;
- (3) Remaining permitted capacity of the landfill in cubic yards;
- (4) Estimated life of permitted capacity remaining at current and projected rates of waste disposal in tons or cubic yards;
- (5) 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
- (6) 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:

- (1) Expected future additions or expansions of the landfill;
- (2) Additional capacity in cubic yards from such expected expansion;
- (3) When such future additions or expansions will be begun or completed;
- (4) Where such additions or expansions would take place; and
- (5) A statement that sufficient capacity will exist in the future addition or expansion of the landfill to accommodate the applicant over the designated time

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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 Financial Services by July 30 as a condition for obtaining or continuing an authorization to provide service in the county.

- (j) *Fee* 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.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, §§ 1, 2; Ord. of 12-11-07 (4))

Editor's note: See the editors note following §4-2002.

Sec. 4-2008 Applicant Qualifications

(a) 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.

(b) 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 or more of stock or financial interest in said corporation, partnership or association:

- (1) has not intentionally misrepresented or concealed any material fact in the application submitted for solid waste collection and disposal service;
- (2) is not attempting to obtain the solid waste collection and disposal agreement by misrepresentation or concealment;
- (3) has not been finally convicted in the State of Georgia or any federal court of any felony within three years immediately preceding the application for a solid waste collection and disposal agreement;
- (4) has not been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within three years

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preceding the application for a solid waste collection and disposal agreement;

(5) has not knowingly, willfully, and consistently violated the prohibitions specified in O.C.G.A. § 12-8-30.7; and

(6) has not been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia.

(c) It shall be unlawful for any county 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 county.

(d) The Licensing and Revenue Manager 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.

(Ord. of 1-2-07, § 1, 3; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2009. Regulatory Fees.

(a) A regulatory fee of \$1.20 per quarter shall be charged to the service provider for each residential customer to whom solid waste collection service was provided and billed during any portion of the quarter until the end of the first quarter of 2008 for which the authorization to provide service was granted. Beginning April 1, 2008, the quarterly regulatory fee will be \$2.40 for each residential customer to whom solid waste collection service was provided and billed during any portion of the quarter for which the authorization to provide service was granted. A regulatory fee of \$2.40 per quarter shall be charged to the service provider for each commercial customer to whom solid waste collection service was provided and billed during any portion of the quarter for which an authorization to provide service was granted. Beginning April 1, 2008, the quarterly regulatory fee will be \$4.80 for each commercial customer to whom solid waste collection service was provided and billed during any portion of the quarter for which the authorization to provide service was granted. Said fees shall be due and payable to the

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department of financial services at the time for quarterly reporting under subsection 4-2007(h). Proceeds from regulatory fees shall be used to defray the cost to the county 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 Gwinnett County. Said fees shall be paid into a special fund for such purposes.

(b) A surcharge fee of \$1.00 per ton of solid waste received, collected, handled or disposed of at any private landfill or other private disposal facility presently located within the unincorporated area of Gwinnett County is hereby imposed upon the operator(s) of said facilities in accordance with O.C.G.A §12-8-39(d).

(c) A late fee of ten 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.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2010. Residential services.

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 packaged as approved pursuant to section 4-2013 of this ordinance, except as otherwise set out herein. On the first day of January, April, June and September, or if a holiday the first business day thereafter, each service provider shall file with the Department of Financial Services a schedule of their fees and charges for service. Amended schedules shall be filed if rates and fees change not later than the date such changes take effect. 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 4-2011 shall be made and billed as directed in that section.

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(c) Gwinnett County 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 department of Financial Services 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 county 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, service provider shall collect at least once every week pursuant to a county-provided list of guidelines for glass bottles and jars, newspapers, plastic (PET and HDPE), aluminum cans and bimetal/steel cans.

(e) 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.

(1) Each collection in violation of this section during that period shall constitute a violation of this ordinance, and shall be punishable as provided in section 4-2018.

(2) 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.

(f) Gwinnett County 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 Gwinnett County's right to ownership and control of the waste stream.

(g) 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.

Sec. 4-2011. Elderly and disabled.

- (a) Nothing in this ordinance is intended to prohibit the service provider from offering discounts to senior citizens or the disabled.
- (b) Any person who is a full-time resident of a residential dwelling unit as described above and who is disabled to the extent that he or she is incapable of moving his refuse shall obtain a physician's certificate as to such disability. Disabled persons shall not be required to place the refuse at the curbside. This subsection shall not apply unless all of the adult persons in a residential unit are disabled and obtain such physician's certificates. Certificates must be mailed to the service provider with a copy to the director of the department of Financial Services. This subsection also applies to temporary disability not to exceed 90 days. Service providers may make reasonable rules for non-curbside collection for elderly and disabled persons.
- (c) Service providers shall provide recovered materials services to disabled persons and yard trimmings services to disabled persons to the same extent such services may be provided under section 4-2010.

(Ord. of 10-11-03; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2012. Reserved.

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2013. General conditions of residential collection.

- (a) 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 county 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.

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- (b) 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.
- (c) Occupants shall prevent the continued, excessive and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon occupant's property.
- (d) It shall be a violation of this ordinance to place or cause to be placed for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.
- (e) 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 4-2010(d)(6).)
- (f) Solid waste generated from the conduct of customary home occupations as defined in the 1985 Zoning Resolution of Gwinnett County carried on from residential dwelling units will be collected on a residential fee basis.
- (g) 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 county-approved receptacles provided by service provider. Reasonable approval will not be denied by the director of the department of Financial Services or his/her designee. No open containers or untied plastic bags shall be permitted.
- (h) 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.
- (i) 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

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exceeding four inches in diameter nor more than three feet in length must be tied in a bundle weighing not more than 50 pounds.

(j) 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.

(k) Nothing in this ordinance shall prevent customers from contracting with service providers for additional services at additional costs.

(l) A list of all current service providers and the service areas will be available for public inspection in the office of the clerk of the county commission and in the department of Financial Services at all times.

(m) 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.

(n) Customers shall not permit yard trimmings to remain at the curbside for more than two weeks.

(Ord. of 8-6-96; Res. of 6-16-98; Res of 11-16-99 (2); Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2014. 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 4-2006 and 4-2007 of this ordinance.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2015. General conditions of commercial collection.

(a) The owner, occupant, manager, or person in charge of any construction or demolition site of any 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

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a solid waste handling facility operating in compliance with state regulation and this ordinance, and must arrange for service with a service provider.

(1) 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 subsection 4-2007(d), etc.

(2) No business license or renewal thereof shall be issued until the owner or occupant of such premises provides the business license office of the Gwinnett County Department of Financial Services with the name of the service provider which provides collection for the business, or an exception has been granted by the director of Financial Services or his/her designee.

(3) Yard trimmings from commercial premises or collected or disposed under commercial accounts shall be managed as provided in subsection 4-2005 (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.

(b) Gwinnett County 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 Gwinnett County's right to ownership and control of the waste stream.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2016. Reserved.

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2017. Termination of authorization to provide services.

(a) Authorization to provide services may be terminated by mutual agreement of Gwinnett County and service provider at any time. A service provider may terminate authorization to provide service by giving 60 days' notice to the Director of the Department of Financial Services and furnishing proof to the Director of the Department of Financial Services that all advance payments have been used by providing a service or have been refunded.

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(b) (1) The Director of the Department of Financial Services or his/her designee shall have the authority to investigate any apparent violation of this ordinance and to take any action authorized under this ordinance as he/she deems necessary and may institute proceedings of mandamus or other proper legal proceedings to enforce this ordinance.

(2) (i) The Director of the Department of Financial Services or his/her designee shall notify any service provider of alleged violations by the service provider of this ordinance. Upon notification of the alleged violation, the service provider shall have 48 business hours to provide the Director or his/her designee with proof that there was no violation or proof that the alleged violation was resolved. If service provider fails to provide proof that there was no violation or that the alleged violation was resolved within 48 business hours of notification, the Director or his/her designee may in his/her discretion and in consideration of the totality of the circumstances infer that service provider has violated this ordinance. 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 quarter in excess of: 25 or .25 percent, whichever is less, for service providers with fewer than 10,001 customers; 50 or .20 percent, whichever is less, for service providers with 10,001 to 25,000 customers; 75 or .15 percent, whichever is less, for service providers with 25,001 to 50,000 customers, or 100 or .15 percent, whichever is less, for service providers with more than 50,000 customers, or at the discretion of the Director of Department of Financial Services, a hearing shall be held before the governing authority 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. The service provider will be given the opportunity to appear by representative or counsel to answer any such charge by the Director of the Department of Financial Services or his/her designee. Should the governing authority determine that any of the provisions of this ordinance have been violated by service provider, the governing authority 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. If a service provider

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receives 50 percent or more of the violations needed to trigger a hearing under this subsection, the Director of the Department of Financial Services or his/her designee shall schedule a meeting between the service provider and the Chairman of the Board of County Commissioners or his designee. Within five business 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 or receipt thereof.

(ii) 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 within a 120-day period, the following provision shall take effect in the area of such incidents: Service provider shall only engage in the collection and transportation 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 County Administrator or his/her designee, a meeting may be scheduled between the service provider and the County Administrator or his/her 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 County Administrator or his/her designee, if service provider fails to abide by the terms set forth in the letter from the County Administrator or his/her designee or if the County Administrator or his/her designee deems it necessary, a hearing shall be held before the governing authority 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

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be given the opportunity to appear by representative or counsel to answer any such charge by the Director of the Department of Financial Services or his/her designee. Should the governing authority determine that service provider has violated any of the provisions of this ordinance, the governing authority 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.

(c) Authorizations to provide services are nontransferable.

(Res. of 6-21-94, § 1; Ord. of 8-6-96; Res. of 6-16-98; Res. of 11-16-99 (2); Ord. of 7-19-05, § 1; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2018. Penalties.

(a) Any person, firm or corporation or any employee or agent of any firm or entity violating any provision of this ordinance may be fined up to \$500.00 per violation. Each full day a violation continues may constitute a separate violation.

(b) Any service provider who is found to have violated any of the provisions of this ordinance by a court of law following the appeal procedures outlined in section 4-2017 (b) (2) shall be subject to the same penalty and may also be restrained from operating as a service provider and a civil action may be filed by the governing authority.

(Ord. of 7-20-93, § 4-2014; Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2019. Enforcement.

Violations of any provisions of this ordinance shall be reported initially to the Director of the Department of Financial Services or his/her designee, which office is charged with administration of all sections herein.

The Department of Financial Services shall designate and publicize a special telephone number to call to report violations to the Department of Financial Services.

The provisions of this ordinance regarding applications for and termination of authorization to provide services shall be enforced by the Board of Commissioners through the Department of Financial Services.

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The provisions of this ordinance regarding outdoor storage of rubbish and garbage, and the provisions of this ordinance regarding collection and removal of solid waste, shall be enforced by the Gwinnett County Police Department.

The provisions of this ordinance regarding the disposal or burial on site of solid waste shall be enforced by the Georgia Department of Natural Resources, Environmental Protection Division.

(Ord. of 8-6-96; Res. of 6-16-98; Ord of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2020. Exceptions.

The Director of the Department of Financial Services may grant exceptions to these rules provided service providers make written application showing the following:

- (1) The method proposed utilizes a new experimental, cost effective or innovative technology concept or theory of solid waste storage, collection, transportation or disposal; and
- (2) The method proposed has been certified by the Director of the Gwinnett County Board of Health not to create a health hazard to the public; and
- (3) The method proposed is to be utilized by at least ten customers; and
- (4) Any exception granted does not violate the requirements of section 4-2007,4-2008 or 2010 of this ordinance.

Any exception granted by the Director of the Department of Financial Services or his/her designee shall be for a one-year term and shall be nonrenewable. At the end of six months of operation of the excepted method, the service provider shall submit data to the Director of the Department of Financial Services sufficient to enable a determination of success of the method. If found to be acceptable to the Board of Commissioners, this ordinance may be amended to allow such method without exception.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec. 4-2021. 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.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, § 1; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.

Sec.4-2022. Effective Date.

The effective date of this ordinance shall be January 2, 2008.

(Ord. of 8-6-96; Res. of 6-16-98; Ord. of 1-2-07, §§1, 4; Ord. of 12-11-07 (4))

Editor's note: See the editor's note following § 4-2002.