

SOLID WASTE

Chapter 20

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**Art. I. In General, §§ 20-1—20-20**

**Art. II. Collection by City, §§ 20-21—20-35**

**Art. III. Litter Control, §§ 20-36—20-61**

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\***Cross reference**—Open burning, § 11-36 et seq.

**State law reference**—Solid waste management, OCGA § 12-8-20 et seq. **SOLID WASTE**

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### ARTICLE I. IN GENERAL

#### **Sec. 20-1. Middle Georgia Regional Solid Waste Management Plan adopted.**

The *Middle Georgia Regional Solid Waste Management Plan*, as prepared by the Middle Georgia Area Planning and Development Commission, is hereby adopted by the city and the recommendations set forth in the plan, as they pertain to the city, shall be implemented, if sufficient funds to implement the plan are available.

(Res. of 11-18-80)

**Cross reference**—Middle Georgia Area Planning and Development Commission, § 2-106 et seq.

#### **Sec. 20-2. Private collectors.**

(a) The city shall have the exclusive right to collect, remove, and dispose of garbage, trash, rubbish and other debris and no private individual, business, agent or other operator shall be permitted to haul garbage, trash, and rubbish produced in the city, without first having obtained a permit from the city council.

(b) Application for a permit under this section shall be filed with the council. The application shall give the details of the applicant's operation, any charges to be made and such other information as may be required by the council. Such permit shall be issued in the name of the applicant and shall not be transferable.

(c) The sidewalks, streets, and sanitation committee shall have full authority to make any and all reasonable regulations governing the hauling of garbage, trash and rubbish over city streets and thoroughfares by collectors having a permit under this section.

(Code 1967, § 11-33)

**Cross reference**—License fee for garbage and trash collection service, § 12-21.

#### **Sec. 20-3. Ownership of landfill deposits.**

The ownership of all garbage, trash, rubbish or other debris deposited at the city landfill shall be vested in the city.

(Code 1967, § 11-33)

#### **Secs. 20-4—20-14. Reserved.**

#### **Sec. 20-15. Landfill use for personal residences located within the City of Forsyth.**

(a) For purposes of this section, "residents" of the City of Forsyth and "residences" within the City of Forsyth shall refer to all those persons whose addresses and places of abode, on a permanent basis, are within the municipal boundaries of the City of Forsyth as now or may hereafter exist, and those dwelling places and places of abode located within the municipal boundaries of the City of Forsyth as the said city limits now or hereafter may exist.

(b) For purposes of this section, "municipal solid waste" shall mean the trash, garbage and refuse produced or created at personal residences located within the City of Forsyth, but shall specifically not refer to commercial trash, garbage or refuse created or produced within the City of Forsyth. The term

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“household garbage” shall be synonymous, for purposes of this section with the term municipal solid waste.

(c) All residents of the City of Forsyth are entitled to dispose of municipal solid waste produced at their personal residences in the city landfill at no cost. However, this refers solely to a resident personally delivering household garbage or municipal solid waste to the city landfill, and this section shall have no effect upon garbage collection by the City of Forsyth or the charges, fees, and other matters governing such garbage collection by the City of Forsyth.

(d) To assure that the disposal of municipal solid waste and household garbage under this section is limited to residents of the City of Forsyth and to household garbage produced at personal residences located within the City of Forsyth, each resident of the city shall be entitled to receive from the city, at no cost to the resident, a landfill use card. Said landfill use card shall be in such design as the Mayor and Council may from time to time determine, and shall provide for as many as twenty-four (24) designated uses of the city landfill, pursuant to this section. Said card shall be issued for a calendar year and issued on a calendar year basis. Should the card be lost, misplaced, or stolen, then the resident shall be allowed a replacement card upon the giving to the city clerk, or designee of the city clerk, an affidavit concerning the circumstances of the loss of the card and payment of such fee as may be prescribed from time to time by the mayor and council of the city.

(e) Upon any dispute as to whether a person is a resident of the City of Forsyth or that the residence is or is not located within the city limits of Forsyth, proof can be furnished to the city clerk, or designee, of any or all of the following documentation to substantiate such proof: a paid city tax receipt, a showing of voter registration for city elections, the affidavit of at least two (2) adult residents of the city affirming proof of residency or location of residence, or any other reasonable proof acceptable to the city clerk or designee.

(f) The use of the card provided by this section shall be only for the cardholder and his or her immediate household, but under no circumstances shall the cardholder allow the use by any person who does not reside within the City of Forsyth and whose personal residence and place of abode is not within the City of Forsyth, nor for the use in any way for the disposal of commercial garbage.

(g) When using the privilege afforded by this section to dispose of household garbage personally at the city landfill, the resident shall present, upon request of proper personnel of the city, or of the landfill operating company, the card issued hereunder, for proof of the right to use thereof.

(h) Any violations of the privileges and uses allowed by this section or any misuse or abuse of the privileges and uses allowed hereunder, or a change of residency to a place outside of the City of Forsyth, will result in the revocation of the privilege and uses authorized by this section. In addition, violations of this section shall be punished by a fine not to exceed three hundred dollars (\$300.00), or imprisonment for not more than sixty (60) days, or both.

(Ord. of 3-20-90, § 2)

**Secs. 20-16—20-20. Reserved.**

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### ARTICLE II. COLLECTION BY CITY\*

#### Sec. 20-21. Customer's containers.

All persons receiving city service for the collection, removal and disposal of garbage or other debris, including owners, occupants, tenants or lessees of residential office, business or commercial buildings, shall provide suitable covered containers at a convenient place, so as to make the containers easily accessible to collection personnel for the picking. The maintenance of such containers shall be the responsibility of the person receiving the service and such containers shall be maintained at all times in a sanitary condition.

Residential solid waste customers of the city defined as each occupied dwelling unit, household or apartment, shall provide sanitary containers in which trash, garbage or refuse shall be kept prior to collection by the city sanitation department or its designee. Such container shall be constructed of rust-proof, moisture-proof material and shall be equipped with tight-fitting covers and handles. Such containers shall be restricted to a maximum capacity of thirty-two (32) gallons for each dwelling unit, in all residential areas and at any structure used for residential purposes.

(Code 1967, § 11-36; Ord. of 8-17-93, § 1)

#### Sec. 20-22. Frequency.

The collection and removal of garbage and other debris from premises used for residential or office purposes shall be made no less than once a week. Such collection and removal from business and commercial premises shall be as often as equipment and facilities owned by the city will permit, commensurate with the needs presented by the volume of garbage and debris produced on such premises.

(Code 1967, § 11-32)

#### Sec. 20-23. Charges—Establishment.

(a) The charges for services rendered by the city in collecting garbage and other debris shall be as established from time to time by the city council, based upon the following considerations: number of hours used to make such collections; other debris; the hourly wage of city employees engaged in this type of work; and the overall cost to the city to provide the services.

(b) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance establishing the charges referred to in subsection (a) above and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1967, § 11-32)

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\*State law reference—Authority of city to provide garbage and solid waste collection and disposal services, Ga. Const. Art. IX, § II, ¶ III(a)(2).

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### **Sec. 20-24. Same—Against whom made; billing, delinquencies.**

(a) The charges referred to in Section 20-23 shall be made against the owner, occupant, tenant or lessee of the premises receiving the service. Such charges shall be included on the monthly bill for water and electricity rendered by the city and shall be due and payable as provided in Section 23-119 of this Code and shall be subject to the same penalty as is prescribed in such section for delinquencies. In addition, if such charges are not paid prior to the date prescribed in Section 23-120 of this Code, the customer's water and electrical service may be discontinued pursuant and subject to the provisions of such section.

(b) If, for any reason, a person liable for charges for services rendered by the city in collecting garbage and other debris is not billed by the city for water and electricity, he shall receive a separate bill for such charges and shall, with regard thereto, be subject to the provisions of Sections 23-119 and 23-120 of this Code

(Code 1967, §§ 11-31, 11-34, 11-35)

### **Sec. 20-25. Yard trimmings disposal regulations.**

(a) Definitions. [As used in this section, the following words and terms shall have the meaning ascribed thereto:]

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

(2) *Composting.* The controlled biological decompositions of organic matter into a stable, odor-free humus.

(3) *Leachate collection system.* A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

(4) *Municipal solid waste.* Any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multi-family 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 solid waste from mining, agricultural or silvacultural operations or industrial processes or operations.

(5) *Municipal solid waste disposal facility.* Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

(6) *Municipal solid waste landfill.* A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

(7) *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 silvacultural operations.

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### (b) Placement and disposal of yard trimmings; prohibitions.

(1) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the City of Forsyth.

(2) Yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within the City of Forsyth.

### (c) Sorting, storing, composting and collecting yard trimmings. Yard trimmings shall be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling, including the following:

(1) Those yard trimmings capable of being conveniently placed in receptacles, shall be so placed, so long as the container shall be restricted to a maximum capacity of thirty-two (32) gallons or fifty (50) pounds in weight. Those yard trimmings which are not conveniently capable of being placed into such containers shall be placed for collection by the city in such manner as to be of convenient access to city collection personnel and without causing any danger to users of the city streets and sidewalks. Yard trimmings placed in containers shall be so marked or designated as to be readily observable as yard trimmings so as not to be confused and mixed with the other municipal solid waste.

(2) In order to restrict the handling of yard trimmings as much as possible and yet to insure that vegetative matter is recycled, the city recommends the following handling of yard trimmings.

- a. Naturalized, low-maintenance landscaping requiring little or no cutting;
- b. Grass cycling by mowing it high and letting it lie;
- c. Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;
- d. Composting on the site where the material was grown, followed by incorporation of the finished compost into the soil at that site;
- e. Chipping woody material on the site where such material was generated;
- f. Collecting yard trimmings and transporting them to another site to be chipped or composted for later use; and
- g. Chipping woody material for later use as fiber fuel.

(d) Penalties. Any violations of the provisions of this section shall, upon conviction, be punished by a fine as allowed by the City Charter, or imprisonment as allowed by the City Charter, or both.  
(Ord. of 10-1-96, § 1)

**Secs. 20-26—20-35. Reserved**

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### ARTICLE III. LITTER CONTROL\*

#### Sec. 20-36. 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:

*Litter:* The word "litter" is intended to include, but not limited to, sand, gravel, slag, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description and excessive or unreasonable amounts of unprocessed animal manure.

*Public or private property.* The phrase "public or private property" means the right-of-way of any road or street; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge or conservation or recreation area; any residential or farm property; and timberlands or forests.

*Road; street.* The word "road" or "street" shall be mutually inclusive and shall likewise be deemed to include any alley, lane, court, or other thoroughfare, however described or designated.

(Ord. of 5-20-80, § 1-1001)

#### Sec. 20-37. General prohibition against littering.

(a) It shall be unlawful for any person to sweep, throw or deposit any litter, garbage, trash, brush, stagnant water, dead animals, discarded items or other debris into, upon or along a drain, gutter, vacant lot or upon any public or private property within the corporate limits of the city. Nothing in this section shall prevent the placing of such items on private property, at or near the front property line thereof, for routine pickup in accordance with the policies of the city.

(b) It shall be unlawful for any person to place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, furniture, appliances, tires, paper or similar rubbish or junk upon any street, road, sidewalk or other public property in the city.

(Ord. of 5-20-80, §§ 1-1002, 1-1003)

#### Sec. 20-38. Crates, boxes, and other containers on streets or other public property.

It shall be unlawful for any person to keep, on the streets, sidewalks or public property in the city, any crates, boxes or similar containers, except authorized trash receptacles, other than when loading, unloading, packing, or unpacking merchandise.

(Ord. of 5-20-80, § 1-1004)

**Cross reference**—Storage of personal property on public property generally, § 15-46 et seq.; display of merchandise on streets or sidewalks, § 21-4.

#### Sec. 20-39. Throwing or spitting hulls, peelings, etc., on sidewalks, floors of public buildings, etc.

It shall be unlawful for any person to throw or spit hulls, peelings or other litter upon any sidewalk or in or upon the floors of public buildings or other public places or property.

(Ord. of 5-20-80, § 1-1005)

**Cross reference**—General prohibition against spitting on sidewalks, § 21-8.

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\***Cross reference**—Powers and duties of city-county beautification commission with respect to litter control, § 2-32.

**State law reference**—Litter Control Law, OCGA § 16-7-40 et seq.; authority of city to adopt ordinances controlling litter, OCGA, § 16-7-48.

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### **Sec. 20-40. Deposit of injurious material on streets or other public property.**

It shall be unlawful for any person to place or to throw, leave or abandon, on any street, sidewalk, or other public property in the city, any glass bottle or can or the fragments thereof, or any broken glass or crockery of any kind, or nails, tacks, bricks or any particle or object likely to injure barefoot persons using such streets or sidewalks or to injure or puncture the tires of vehicles utilizing pneumatic tires for their locomotion.

(Ord. of 5-20-80, § 1-1006)

### **Sec. 20-41. Placing handbills, circulars, etc., on motor vehicles.**

It shall be unlawful for any person to place, in or on any automobile or other motor vehicle in the city, any handbill, bumper sticker, circular, pamphlet, poster, postcard or other literature, except with the permission, express or implied, of the owner or occupant of such vehicle.

(Ord. of 5-20-80, § 1-1007)

**Cross reference**—Advertising, Ch. 3.

### **Sec. 20-42. Distribution of handbills, circulars, etc., in public property.**

(a) It shall be unlawful for any person to distribute or place, on public property, any handbill, circular, pamphlet, poster, postcard or other literature, except with the express permission of the city council.

(b) Prior to granting permission to any person to distribute or place any handbills, circulars, pamphlets, posters, postcards or other literature on public property within the city, the council may require such person to post a bond, in an amount not exceeding one hundred dollars (\$100.00), with the city clerk. The bond shall be returned upon request, provided literature and other material are removed within a reasonable time after the event which they promote.

(c) This section is not intended to regulate or prohibit a merchant placing or allowing the placement of literature within his commercial establishment or on his storefront.

(Ord. of 5-20-80, § 1-1007)

### **Sec. 20-43. Securing of vehicle loads.**

(a) It shall be unlawful for any person to transport any garbage, trash, litter, refuse or other cargo upon the public thoroughfares in the city, if the same is of a character or substance which is likely to be deposited from the transporting vehicle onto the public rights-of-way, unless the cargo is secured by container, tarpaulin or other device in such fashion as to effectively prevent such deposit on the public rights-of-way.

(b) The duties and responsibilities imposed by this section shall be applicable alike to the owner of the transporting vehicle and the operator thereof.

(Ord. of 5-20-80, § 1-1008)

**Cross reference**—Motor vehicles and traffic, Ch. 13.

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### **Sec. 20-44. General duty of property owners and occupants as to litter control.**

The owner, occupant and lessee of all private property, jointly and severally, are required to remove all litter from such property and place the same in proper containers. Vacant lots, borders, parking lots, embankments, fences, walls and sidewalks shall be kept reasonably free from litter. The owners and occupants of parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall maintain such property reasonably free from litter.  
(Ord. of 5-20-80, § 1-1014)

### **Sec. 20-45. Garbage storage areas to be kept clean.**

Every owner, occupant and lessee of a house or other building or other private property shall be jointly and severally required to maintain garbage storage areas in a clean condition and to ensure that all garbage is properly containerized.  
(Ord. of 5-20-80, § 1-1011)

### **Sec. 20-46. Driveways, parking lots, etc., of commercial establishments to be kept clean.**

The proprietor and person in charge of any business or commercial establishment in the city, jointly and severally, are hereby required to keep the driveways, yards and parking areas and lots adjacent thereto and under their control reasonably clean at all times and to place sweepings and other litter in a container to prevent re-scattering.  
(Ord. of 5-20-80, § 1-1009)

### **Sec. 20-47. Litter containers for commercial, institutional or industrial property generally.**

Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building property shall be obligated, jointly and severally, to provide litter containers of such size, number and type as may be specified by the city to be reasonably necessary to hold litter generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments and shall likewise apply to commercial establishments, garages, schools and churches.  
(Ord. of 5-20-80, § 1-1010)

### **Sec. 20-48. Containers for litter created by packing and repacking operations.**

All work areas, including but not limited to, loading and unloading areas, shall be provided with containers for the deposit of litter created by packing or repacking operations and the owner of the premises and the occupant thereof shall, jointly and severally, maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.  
(Ord. of 5-20-80, § 1-1012)

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### **Sec. 20-49. Containers for construction litter.**

Property owners and prime contractors in charge of a construction site are, jointly and severally, required to furnish litter containers for construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each work day.

(Ord. of 5-20-80, § 1-1013)

**Cross reference**—Building regulations, Ch. 7.

### **Sec. 20-50. Removal by city of litter from private property.**

In cases where litter has remained on private property for a period of thirty (30) days following written notice, by registered or certified mail, from the city clerk or other designated city official to the owner of such property to remove the same, the city council, through its agents, is authorized, but not required, to cause such litter to be removed and to bill the owner for the cost thereof. If the owner fails or refuses to pay the bill for the cleanup service within thirty (30) days from the date of billing, then execution may be issued by the city against the property upon which such service is rendered for the amount of the clean-up service charge. From and after the recording of such execution on the general execution docket in the office of the clerk of the superior court of the county, such execution shall constitute a lien on the property on which the service is rendered until the same is fully paid and satisfied. Such executions shall be enforced in the same manner, and with the addition of interest and costs, as provided by law for the enforcement of executions for ad valorem taxes of the city. Action by the city under this section shall not preclude prosecutions for a violation of this chapter.

(Ord. of 5-20-80, § 1-1015)

### **Sec. 20-51. Use of county dumpsters located within city.**

(a) It shall be unlawful for any person who is not a resident of the county or who is not engaged in doing business within the county, to utilize, in any manner whatsoever, dumpsters, located within the city and owned or operated by the county. This subsection shall not apply to any tourist passing through the city.

(b) It shall be unlawful for any private garbage collecting service to empty its litter or refuse into any dumpster located within the city and owned or operated by the county.

(c) It shall be unlawful for any person to disturb or remove the contents or any portion thereof from any dumpster located within the city and owned or operated by the county.

(Ord. of 5-20-80, § 1-1016)

### **Secs. 20-52—20-59. Reserved.**

### **Sec. 20-60. Construction and yard litter refuse.**

(a) All refuse resulting from building, repairing, remodeling or any kind of construction shall be moved by the contractor, owner of property, or person having work done. All trees, limbs, bushes, trash, and other refuse resulting from cleaning up or improving property shall be removed by the contractor, tree surgery company, owner of property, developer or person having work done, with the exception that a person otherwise subject to the collection of garbage and trash by the City of Forsyth (and at their own premises only) shall be allowed to place for collection limbs and other yard litter refuse so long as not greater than five (5) feet in length or fifty (50) pounds in weight.

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(b) No person, firm, institution or corporation of any kind whomsoever or whatsoever shall deposit any refuse resulting from building, repairing, remodeling or any kind of construction, or deposit any trees, limbs, bushes, trash, and other refuse resulting from cleaning up or improving property on any property within the City of Forsyth other than a duly licensed and approved landfill facility.

(c) No person, firm, institution or corporation whomsoever or whatsoever shall bury upon any lot or premises within the City of Forsyth any refuse resulting from building, repairing, remodeling or any kind of construction, or trees, limbs, bushes, trash, and other refuse resulting from cleaning up or improving property.

(d) Any violations of the provisions of this section shall, upon conviction, be punished by a fine as allowed by the City Charter, or imprisonment as allowed by the City Charter, or both.  
(Ord. of 6-15-93, § 2)

### **Sec. 20-61. Disposal of dead animals and animal litter.**

(a) The disposal of dead animal and animal litter and waste shall be in compliance with this Code section.

(b) The term “dead animals” shall mean the carcasses, parts of carcasses, effluent or blood of animals; and the term “animal litter or waste” shall mean animal manure, feces, and waste products of animals, including any products in which such waste products may be mixed, such as for example the product normally designated as “cat litter.”

(c) It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the animal, its parts, effluent or blood within the limits of the City of Forsyth. Such person shall dispose of any such dead animal, within twenty-four (24) hours of the death of the animal, as hereafter set out. Under no conditions may dead animals be abandoned in wells or open pits of any kind on private or public land. No person shall dispose of a dead animal by burial as hereafter allowed on the land of another without the specific permission of the owner of the land.

(d) Dead animals may be disposed of in the following manners and ways:

(1) By placing the dead animal in a heavy duty plastic or other moisture-proof bag or container and depositing in the regularly scheduled garbage collection pickup by the city, if such regularly scheduled pickup will be within twenty-four (24) hours of the death of the animal; or

(2) After placing the animal in the proper disposal container, calling the city sanitation department for a separate pickup of the dead animal; or

(3) Burial of the animal in the proper disposal container on the land of the owner or of another person with the specific permission of the other person, and burial must be at least three (3) feet below ground level and with a complete cover of dirt over the burial site; or

(4) Transport the animal in the proper disposal container to the city landfill facility for disposal there.

(e) Animal litter as defined herein may be disposed of as follows:

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(1) By placing all such animal litter in a heavy duty plastic bag or other moisture-proof container, and bound in such a way that the container will not come open so as to spill the contents; and

(2) Placing such container with the regularly scheduled garbage pickup for the sanitation department of the city.

(Ord. of 8-17-93, § 2)

**Cross reference**—Animals and fowl, Ch. 6.