Chapter 10

HEALTH AND SANITATION

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ARTICLE I. STORAGE, COLLECTION, AND DISPOSAL OF SOLID WASTE.

Division 1. Generally.

Section 10.1 Unauthorized Accumulation of Refuse - Prohibited.

The unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Such nuisance shall be abated as prescribed in Chapter 1, Section 1.8.

Section 10.2 Failure to Clean up Premises.

If any tenant or other person in possession or control of any premises within the city limits shall fail or refuse to remove therefrom such matter as is set out in section 10.1 within five days after having been notified to do so, the owner, tenant or other person in possession or control of such premises, whether vacant or otherwise, shall be punished as set out in section 1.7.

Section 10.3 Litter, etc.

a. No person shall place, deposit or permit to be placed or deposited any refuse, body waste or other objectionable waste in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the city, except as prescribed by this article. No person shall throw or deposit any such waste into any stream or other body of water, or permit the same.

b. No person shall cast, place, sweep or deposit anywhere within the city refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any unoccupied premises by the city.

Section 10.4 Enforcement.

The Building Official appointed pursuant to the section entitled "Building Department" of Division 1 of Attachment "A" to Article I of Chapter 5 of the City Code of Ordinances is hereby charged with enforcement of each requirement set out in this Chapter. The Building Official is hereby vested with the police power necessary for the purpose of issuing charges and prosecuting persons charged with violating this Chapter.

Sections 10.5 - 10.10 Reserved.

Division 2. Containers.

Section 10.11 Required.

Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises and shall be maintained in good condition.

Section 10.12 Garbage Containers - Construction Generally.

Garbage containers shall be made of metal or plastic, equipped with suitable handles and tightfitting covers, and shall be watertight. Garbage containers shall have a capacity of not more than 40 gallons.

Section 10.13 Same - Paper Bags.

Paper bags manufactured specifically for the storage of garbage may be used, provided the bags are attached to a bag holder which is equipped with a watertight lid made of durable metal or plastic.

Section 10.14 Same - Number of Containers.

Each owner, tenant, lessee or occupant of the premises shall provide an adequate number of garbage containers to hold the amount of garbage accumulated between collections.

Section 10.15 Rubbish Containers.

Rubbish containers shall be of the kind suitable for collection purposes, and the location and type shall be approved by the authorized representative of the city.

Section 10.16 Maintenance; Location.

Garbage containers shall be kept clean, neat and in a sanitary condition at all times and shall be located on the premises at a place easily accessible to the collectors.

Section 10.17 Replacement.

Any refuse container that does not conform to the provisions of this division or that may have ragged or sharp edges or any defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice by the authorized representative of the city.

Sections 10.18 - 10.20 Reserved.

Division 3. Collection.

Section 10.21 Residential.

Garbage and rubbish accumulated by residences and placed in containers shall be collected at least once each week.

Section 10.22 Commercial.

Garbage and rubbish accumulated by retail and wholesale merchants, restaurants, cafeterias or other business institutions shall when possible be collected at least twice each week. When necessary to protect the public health and safety, more frequent collections may be authorized.

Section 10.23 Trimmings, Clippings.

Tree trimmings, hedge clippings, shrubbery clippings, limbs and brush and similar material shall be cut into lengths not to exceed five feet and shall not be more than five inches in diameter. Such trimmings, leaves and clippings shall be placed near the curbline of the street, not in the street, and shall be collected at least one time a week.

Section 10.24 Tree Removal; Land Clearing; Grading; Landscaping.

Notwithstanding the provisions of section 10-23, all trees, logs, limbs, stumps, roots, rocks, dirt, brush and other debris caused by tree removal, land clearing, grading and landscaping shall be collected, removed and disposed of by the contractor, owner or person doing the work at his own expense.

Section 10.25 Rubbish from Buildings, Construction and Repairs.

Any refuse such as plaster, roofing, concrete, brickbats and other rubbish resulting from repairs, remodeling or construction of any building shall be collected, removed and disposed of by the owner of the premises, contractor, builder or person doing the repairs, remodeling or construction at his own expense.

Section 10.26 Initial Stocking of a Retail or Wholesale Business.

All refuse, such as paper, rubbish, crates and boxes, which is accumulated as a result of initial opening and stocking a new business enterprise, shall be collected and removed from the premises at the owner's expense.

Section 10.27 Refuse from Manufacturing, Assembling, Fabricating or Processing Operations.

Refuse resulting from manufacturing, fabricating, assembling or processing operations shall be collected, removed and disposed of by the owner or operator of such manufacturing, assembling, fabricating or processing operation at his own expense.

Sections 10.28 - 10.30 Reserved.

Division 4. Disposal.

Section 10.31 Prohibited Landfill Deposits.

It shall be unlawful for any person to deposit in any receptacle in the city for delivery to any city-county landfill, or to deliver to the city-county sanitary landfill in the city the following:

1. Wet storage battery.

2. All liquids, including, but not limited to, motor oil, grease sledge and chemicals.

3. Rubber tire of any description.

Section 10.32 Motor Vehicles.

Motor vehicles or any major part thereof shall not be deposited or disposed of in the city's refuse disposal area.

Section 10.33 Hours of Operation.

No person shall enter the premises of the city's refuse disposal area between the hours of 5:00 p.m. and 8:00 a.m., Monday through Friday, or on Saturday and Sunday, unless authorized to do so by the clerk-treasurer.

Section 10.34 Origin of Refuse.

Refuse which originates outside the county shall not be deposited in the city refuse disposal area.

Section 10.35 Location of Deposit.

All refuse shall be deposited at a location within in city's refuse disposal area as designated by the attendant on duty.

Section 10.36 Fires.

No person shall set fire to any refuse located within the city's disposal area.

Section 10.37 Unauthorized Disposal Area.

It shall be unlawful for any person to dump, deposit or dispose of any refuse on any lot, public street, alley or roadway within the city, unless an application for the designation of a disposal area, showing such use of the area, has been authorized by the city.

Sections 10.38 - 10.40 Reserved.

Division 5. Fees.

Section 10.41 Established.

Solid waste collection fees and charges shall be fixed from time to time by the city council.

Section 10.42 Inclusion on Utility Bill.

The solid waste collection fee shall be included on the city utility bill and shall be subject to the same terms and conditions of collection as other fees, charges, penalties, or assessments contained therein.

Division 6. Scrap Tire and Used Tire Management.

Section 10.43 Definitions.

a. The term *"dump"* means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.[1]

b. The term *"manifest"* means a form or document used for identifying the quantity and composition and the origin, routing, and destination of scrap tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer approved by the Georgia Environmental Protection Division (EPD).[2]

c. The term *"person"* means the State of Georgia or any other state or 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.[3]

d. The term *"retail tire dealer"* means a person actively engaged in the business of selling new replacement tires.[4]

e. The term *"scrap tire"* means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.[4]

f. The term *"scrap tire carrier"* means any person engaged in picking up or transporting scrap tires not otherwise exempted in the Georgia Rules for Solid Waste Management for the purpose of removal to a scrap tire processor, end user, or disposal facility.[4]

g. The term *"scrap tire generator"* means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county, and state governments.[4]

h. The term *"scrap tire processor"* means any person who is approved by the Environmental Protection Division to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.[4]

i. The term *"scrap tire sorter"* means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.[4]

[1] – As defined in O.C.G.A. 16-7-51
[2] – As defined in Section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management
[3] – As defined in Section 391-3-4-.01 of the Georgia Rules for Solid Waste Management
[4] – As defined in Section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management

Section 10.44 Accumulation and Management.

a. The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all scrap tires on the premises used or occupied by such person.

b. It shall be unlawful to cause, suffer or allow the dumping of scrap tires at any place in the City of Blakely including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, any public or private property in the City or any waters in the City unless such scrap tires originate in Blakely or other areas authorized by Mayor and Council AND:

1. The property is designated by the Mayor and Council or their duly designated agent and the Georgia Environmental Protection Division for the collection or disposal of scrap tires and the person is authorized to use such property;

2. The scrap tires are placed into a receptacle or container installed specifically for such property; AND

3. The property has a valid solid waste handling permit or other applicable identification numbers, approvals and/or permits issued by the Georgia Environmental Protection Division (EPD) when required.

c. All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as defined in Chapter 391-3-4, et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. 12-8-20, et seq. and the Georgia Rules for Solid Waste Management, Chapter 391-3-4, et seq. applicable to solid waste, except where requirements of this ordinance are more stringent.

d. Accumulation:

1. It shall be unlawful for any person in a residential zone to accumulate more than five (5) scrap tires on or around property, which they own or occupy.

2. A retail tire dealer may hold up to 100 scrap tires per garage bay in storage, up to a maximum of 1000 scrap tires.

3. Scrap tires must be stored in covered or enclosed areas, or under an impermeable cover to prevent the accumulation of water.

Section 10.45 Enforcement, Violations and Penalties.

a. Enforcement of this ordinance shall be the responsibility of the Mayor and Council of the City of Blakely and the Blakely Code Enforcement Police Department.

b. Any person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to properly inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspection, the alleged violation of this ordinance must be visible from a public road or right of way, or upon said person(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said person(s) having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.

c. Any person(s), firm, or corporation violating any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, in the Municipal Court of the City of Blakely, shall be punished as follows:

1. For the first offense: By a fine of not less than $100.00 and not more than $1,000.00[1], or up to 30 days imprisonment, or both. Each day the violation continues shall constitute a separate offense. However, this section shall not preclude the City from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the City to have both the civil and criminal rights of prosecution in this area;

2. For the second or more offense(s): The violator shall be guilty of a misdemeanor of high and aggravated nature punishable by a fine of not less than $750.00 and not more than $1,000.00, or up to 60 days imprisonment, or both. Each day the violation continues shall constitute a separate offense; and/or

d. The Court may order the person to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation[2]; and/or

e. In case of a tire dump, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this ordinance. The City of Blakely shall not be responsible for any costs of cleanup or remediation; and/or

f. The expenses incurred by the City for cleanup, enforcement of violations and penalties shall be chargeable to the violator, including, but not limited to: court costs, filing fees, special investigations, mutual aid assistance from other agencies and other costs necessary for the reasonable enforcement of this ordinance.

g. In addition to actions filed by the City of Blakely for violations of this ordinance, any State or Federal agency may independently file separate or concurrent charges within their respective applicable authority and seek conviction within a Court of competent jurisdiction.

h. Nothing in this Chapter shall prevent the City of Blakely from instituting a nuisance action or seeking to enforce the property maintenance ordinance of the City of Blakely against any property owner or occupant where storage of scrap tires may constitute a danger to the health, safety and welfare of the citizens of the City of Blakely.

[1] – As provided in O.C.G.A. section 16-7-43 (b.1)

[2] – As provided in O.C.G.A. section 16-7-53 (d)

ARTICLE II. MOSQUITO CONTROL.

Section 10.46 Violations.

Any person charged with any of the duties imposed by this article, failing within the time designated by this article, or within the time stated in the notice of the health officer, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of a violation of this article. Each day after the expiration of this time that such person fails to comply with this article shall be a separate violation of this article.

Section 10.47 Right of Entry.

For the purpose of enforcing the provisions of this article, the health officer, or his duly accredited agent under his authority, or such other person as may be designated by the city council, may at all reasonable times enter in and upon any premises within the city limits.

Section 10.48 Treatment of Standing Water.

It shall be unlawful for any person to have, keep, maintain, cause or permit, within the city, any collection of standing or flowing water in which mosquitoes breed, or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding.

Section 10.49 Places Where Standing Water Prohibited.

Any collections of water coming under this article shall be held to be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks or flush closets or other similar water containers.

Section 10.50 Presence of Larvae Prima Facie Evidence of Breeding; Failure to Prevent.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within one day after notice, in writing, by the person designated by the city council for that purpose, shall be deemed a violation of this article.

Section 10.51 Unused Open Wells to be Filled.

All open wells in the city not in active daily use are hereby condemned as inimical to public health, and owners thereof must fill them up within ten days after notice to do so.

Section 10.52 Measures to be Taken by City.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take the necessary measures to prevent the same, within one day after notice in writing has been given to them, the health officer or his authorized agent, or such other person as may be designated by the city council, is hereby authorized to do so. All necessary costs incurred by him for this purpose shall be a charge against the property owner, or other person offending, as the case may be.

Sections 10.53 - 10.55 Reserved.