

AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES. (PUBLIC HEARING HELD 5/27/14) (HELD 5/27/14 TO BE REVIEWED BY THE NPUS)

WHEREAS, it is the policy and responsibility of the City of Atlanta (“City”) to protect the health, safety, and welfare of the City’s residents and visitors; and

WHEREAS, proper solid waste management is essential to protecting the health, safety, and welfare of said residents and visitors; and

WHEREAS, ensuring the proper collection, removal and disposal of all commercial solid waste from within the corporate limits of the City is a major component of the City’s responsibilities to its residents and visitors; and

WHEREAS, commercial waste generated within the City is currently collected by private solid waste haulers; and

WHEREAS, the City seeks to provide standards of operation, regulation, and oversight in the providing of commercial solid waste services within the City limits; and

WHEREAS, the City seeks a fair and reasonable fee for the management and maintenance of its streets and rights-of-way to provide a proper level of oversight and regulation over commercial waste haulers within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That Section 130-44 of the Atlanta City Code shall be replaced in its entirety so that the new Section 130-44 shall be re-titled and revised as follows:

Sec. 130-44. - Collection and transportation of commercial and non-residential solid waste.

Sec. 130-44.1. Part designation.

This section shall be known and may hereafter be referred to as the “City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance.”

Sec. 130-44.2. Declaration of Policy.

It is the policy and responsibility of the City of Atlanta to protect the health, safety, and welfare of the City’s residents and visitors. As part of that responsibility, proper solid waste management is essential to protecting the health, safety, and welfare of the City’s residents and visitors and ensuring the proper collection, removal and disposal of all commercial non-residential solid waste from within the corporate limits of the City is a major component of the City’s responsibilities to its residents and visitors.

Included in this policy is the implementation of an infrastructure maintenance fee to be imposed on commercial solid waste hauling services. This fee is designed to support the cost of repair of City infrastructure damaged as a result of the use of City streets by the vehicles used in waste collection activities by commercial haulers.

Accordingly, the implementation of this City of Atlanta Commercial Solid Waste Collection and Transportation Ordinance is designed to make certain that all commercial haulers involved in the collection, transportation, and disposal of such waste will manage such activities efficiently and responsibly. This Ordinance will further ensure that the public's investment in the City's public streets is further protected through the collection of infrastructure maintenance fees from commercial haulers that will be used to maintain and improve the City's public right-of-way.

Sec. 130-44.3. Definitions.

The definitions in Section 130-1 of this Chapter apply to this Section unless otherwise indicated. Additionally, the following terms and phrases, where used in this Section, shall have the meanings ascribed to them in this section, unless different meanings are clearly indicated by context. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this Section or otherwise in this ordinance shall be given their common and ordinary meaning.

Commercial establishments means all places located in the City not classified as residential premises, which produce or accumulate solid waste, including adjacent unimproved property.

Commercial hauler means any entity that provides commercial solid waste collection and transportation services and is granted a permit by the City authorizing said entity to provide such services to customers located in the City.

Customers mean Commercial Establishments, Industrial Establishments, and Institutional Establishments that operate in the City.

Department means the Department of Public Works.

EPD means the Environmental Protection Division of the Georgia Department of Natural Resources.

Permit means a non-exclusive right of a commercial hauler, granted pursuant to this Section, to operate within the City, to collect, transport and dispose of commercial solid waste.

Permittee means a commercial hauler that has obtained a permit from the City.

Gross Receipts means the entire amount of the fees collected by a permittee, for commercial waste collection, transportation and disposal under the authority of this Section.

Industrial establishments means businesses located in the City whose primary activity includes manufacturing, processing, or assembly of products.

Institutional establishments means establishments located in the City operated by governmental entities, non-profit organizations, hospitals, schools, colleges, universities, religious organizations, and public and charitable organizations.

Sec. 130-44.4. Permit Required

No commercial hauler shall collect or transport commercial waste within the City without having a currently valid commercial collection permit issued by the City.

- a. *Permit application required:* All commercial haulers desiring to provide solid waste collection services within the City must submit an application to the commissioner on forms provided by the City.
- b. *Permit application fee:* The City shall collect a non-refundable permit application fee of \$500.00.
- c. *Permit renewal fee:* All annual permits shall be subject to annual renewal and assessed a renewal fee of \$250.00.

Sec. 130-44.5. Term.

The term of any permit issued pursuant Section 130.44.4 shall be for a period of not more than one year. Each permit issued within a calendar year shall expire on December 31 and be subject to renewal on or before December 31 of each year thereafter.

Sec. 130-44.6. Minimum Requirements.

All commercial haulers utilizing the public streets, alleys, roads and thoroughfares within the City for the purpose of operating and engaging in the business of collecting and disposing of commercial waste shall comply with the following minimum requirements:

- a. All commercial haulers must furnish sufficient personnel and equipment to provide the services described herein and as contracted with its customers in an efficient and businesslike manner.
- b. All commercial haulers must obtain a solid waste handling permit from the director of the EPD pursuant to O.C.G.A. §12-8-24.

- c. All commercial haulers must use only vehicles and containers which comply with rules of the environmental protection division of the state department of natural resources. All solid waste containers must comply with the requirements of City Code Section 130-43 (d).
- d. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed of substantially leakproof durable metal, easily cleanable and designed to prevent litter from escaping during transport. Vehicles must also meet all safety, size and weight requirements of the State of Georgia Department of Transportation.

Sec. 130-44.7. Establishment of an Infrastructure Maintenance Fee.

The streets, rights-of-way, and public easements to be used by commercial haulers in the operation of its business within the boundaries of the City are valuable public properties acquired and maintained by the City at great expense to its taxpayers for which the City incurs substantial costs to regulate and maintain. It is the purpose of this section to establish a fair and reasonable fee to be paid to the City by commercial haulers for their use of the City's rights-of-way and to administer this Section.

- a. *Infrastructure Maintenance fee:* an infrastructure maintenance fee shall be assigned to all commercial haulers collecting and disposing of commercial waste, recyclables, bulky trash, yard trimmings, bio-medical and hazardous waste, scrap tires, and/or other forms of waste.
 - b. *Quarterly fee submission:* On a quarterly basis throughout the term of the permit, the permitted commercial hauler shall pay and the City shall collect an infrastructure maintenance fee equal to five percent (5%) of the permittee's billable service to customers within the City (exclusive of Sales Tax).
1. The Infrastructure Maintenance Fee shall be payable quarterly to the City and delivered to the City together with a statement indicating the derivation and calculation of such payment. Each such quarterly payment shall be due on the 15th day of the second month following the end of the quarterly period for which said payment is due. The quarterly payments shall be due on February 15, May 15, August 15, and November 15 of each year during the term of the permit.
 2. For purposes of verifying the amount of such fee, the books and records of the permittee shall at all reasonable times be subject to inspection by the duly authorized representatives of the City.
 3. In the event the permittee fails to pay the full infrastructure maintenance fee as set forth in this Section on or before the dates set out in subsection (b)(1) immediately above, the City may suspend the permit until payment is made in full. The commissioner has the authority to revoke the permit upon the permittee's failure to comply with the provisions of this Ordinance.

Sec. 130-44.8 Reporting Requirements

All commercial haulers shall report on a quarterly basis to the Commissioner or his designee all solid waste and recyclable materials collected within the City.

- a. *Reporting data:* Quarterly reports shall include but not be limited to the total number of commercial customer accounts and the total monthly gross revenue receipts.
- b. *Reporting dates:* Quarterly reports shall be submitted to the Commissioner each quarter on or before February 15, May 15, August 15, and November 15 of each year during the term of the permit.

Sec. 130-44.9 Insurance and Bonding.

In addition to a valid City business license, all permitted commercial haulers conducting activities within the public rights-of-way shall be required to maintain surety, security fund, insurance, and bonding requirements that have been determined by the City's risk manager to be sufficient to protect the city from occurrences and omissions which may occur during the activities conducted by the permittee in the City rights-of-way.

Sec. 130-44.10. Indemnification.

All commercial haulers conducting activities within the City rights-of-way pursuant to a permit shall agree to indemnify, defend and save harmless the City, its agents, officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity arising from any negligent act or omission or willful misconduct of the permittee or any of its agents, contractors, servants, employees or contractors, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon.

Sec. 130-44.11. Suspension, Revocation and Termination of Permit.

The City may suspend or revoke any commercial hauler permit if the permittee fails to comply with any of the requirements of its permit or this Ordinance. The City may suspend the permit for a stated period of time, or place other conditions on the permit as the City finds necessary. The City shall give the permittee notice and an opportunity to be heard before the City suspends or revokes a permit. Permittee shall be responsible for paying all costs, expenses, attorneys' fees and damages the City incurs as a result of permittee's failure to comply with the requirements of its permit or this Ordinance.

SECTION 2: That the Infrastructure Maintenance Fee collected by the City under this Ordinance shall be dedicated to (i) the maintenance of the City's streets, corridors, thoroughfares, and transportation routes; (ii) a Pavement Condition Study; and (iii) a Microsurfacing Preventative Maintenance Program.

SECTION 3: That the Chief Financial Officer shall be authorized to create such reserve accounts as may be necessary to receive the Infrastructure Maintenance Fee collected by the City under this Ordinance and to create such accounts as may be necessary to expend such funds in accord with this Ordinance.

SECTION 4: That this Ordinance will become effective on July 1, 2014.

SECTION 5: That current Section 130-44 entitled “Same - outdoor events”, be renumbered and re-titled “Sec. 130-45 Removal of Solid Waste - outdoor events”.

SECTION 6: That current Section 130-45 entitled “Same - Construction and demolition wastes” be renumbered and re-titled “Sec. 130-46 Removal of Solid Waste - construction and demolition wastes”.

SECTION 7: That current Section 130-46 entitled “Same - Household hazardous materials” be renumbered and re-titled “Sec. 130-47 Removal of Solid Waste - Household hazardous materials”.

SECTION 8: That remaining Sections 130-48 through 130-50 of Article I of Chapter 130, entitled “Generally” continue to be reserved.

**CITY COUNCIL
ATLANTA, GEORGIA**

14-O-1241

AN ORDINANCE BY CITY UTILITIES COMMITTEE AMENDING CHAPTER 130, (“SOLID WASTE MANAGEMENT”), ARTICLE II, (“MUNICIPAL COLLECTION AND DISPOSAL SYSTEM”), DIVISION 1, (“GENERALLY”) AT SECTION 130-44 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH A PERMITTING SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION AND HAULING SERVICES BY PRIVATE SERVICE PROVIDERS WITHIN THE CITY OF ATLANTA; TO IMPOSE APPLICATION FEES, PERMIT FEES AND INFRASTRUCTURE MAINTENANCE FEES; TO ESTABLISH WASTE STREAM REPORTING REQUIREMENTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO CREATE THE ACCOUNTS NECESSARY TO PLACE SAID INFRASTRUCTURE MAINTENANCE FEE IN A RESERVE FOR INFRASTRUCTURE MAINTENANCE EXPENSES; AND FOR OTHER PURPOSES.

**(Public Hearing held 5/27/14) (Held 5/27/14 to be reviewed by
the NPUs)**

Workflow List:

Santana K. Wright	Completed	04/30/2014 4:35 PM
Rita Braswell	Completed	04/30/2014 5:10 PM
Richard Mendoza	Completed	05/01/2014 2:46 PM
Stefanie Grant	Completed	05/01/2014 3:31 PM
Mayor's Office	Completed	05/01/2014 4:12 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:38 PM
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Last Updated: 10/14/15

14-O-1241

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Atlanta City Council	Pending	01/03/2017 1:00 PM
Mayor's Office	Pending	

HISTORY:

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AYES:	Norwood, Dickens, Smith, Hall, Archibong, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
ABSENT:	Michael Julian Bond, Ivory Lee Young Jr., Clela Winslow, Alex Wan	

05/27/14	City Utilities Committee	HELD IN COMMITTEE
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06/02/14	Atlanta City Council	REFERRED AS HELD
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09/08/15	Atlanta City Council	RETURNED AS HELD
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RESULT:	RETURNED AS HELD	Next: 10/27/2015 9:30 AM
10/27/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 11/2/2015 1:00 PM
11/02/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 11/9/2015 9:30 AM
11/09/15	City Utilities Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 11/16/2015 1:00 PM
11/16/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/1/2015 9:30 AM
12/01/15	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 12/7/2015 1:00 PM
12/07/15	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 12/15/2015 9:30 AM
12/15/15	City Utilities Committee	
01/04/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/12/2016 9:30 AM
01/12/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 1/19/2016 1:00 PM
01/19/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 1/26/2016 9:30 AM
01/26/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/1/2016 1:00 PM
02/01/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/9/2016 9:30 AM
02/09/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 2/15/2016 1:00 PM
02/15/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 2/23/2016 9:30 AM
02/23/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/7/2016 1:00 PM
03/07/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 3/15/2016 9:30 AM
03/15/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 3/21/2016 1:00 PM
03/21/16	Atlanta City Council	RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 3/29/2016 9:30 AM
03/29/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 4/18/2016 1:00 PM
04/18/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 4/26/2016 9:30 AM
04/26/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/2/2016 1:00 PM
05/02/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/10/2016 9:30 AM
05/10/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 5/16/2016 1:00 PM
05/16/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 5/24/2016 9:30 AM
05/24/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/6/2016 1:00 PM
06/06/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/14/2016 9:30 AM
06/14/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/20/2016 1:00 PM
06/20/16	Atlanta City Council	RETURNED AS HELD
RESULT:	RETURNED AS HELD	Next: 6/28/2016 9:30 AM
06/28/16	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/5/2016 1:00 PM
RESULT:	RETURNED AS HELD	Next: 7/12/2016 9:30 AM

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	