

**AN ORDINANCE AMENDING SECTION 12-102  
OF THE CODE OF ORDINANCES OF THE  
CITY OF MANSFIELD, GEORGIA**

**Whereas**, the City of Mansfield has the responsibility to regulate and prohibit any act, practice, or conduct which is detrimental or likely to be detrimental, to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City and to provide for the enforcement of such standards; and,

**Whereas**, the City of Mansfield has the power to make, ordain, and establish such ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the City and its inhabitants and for preserving the health, peace, order and good government of the City; and,

**Whereas**, pursuant to its police powers, the City of Mansfield is authorized to enact legislation to regulate certain conduct which could affect the public health, safety and welfare; and,

**Therefore**, we, the members of the City Council for the City of Mansfield, Georgia, **HEREBY ORDAIN AS FOLLOWS:**

**Section 1:** Section 12-102 of the Code of Ordinances of the City of Mansfield, Georgia is deleted in it entirely and replaced with the following:

12-102

Chapter 12 - GARBAGE AND GARBAGE COLLECTION

Article 1 - In General

12-A - Definitions.

For the purpose of enforcing this chapter any person living on any premise and receiving any utility service from the City shall be deemed an resident,

"Commercial wastes" means all types of solid waste generated by stores, offices, restaurants and other non-manufacturing activities, as well as solid waste generated by manufacturing or industrial processes or operations, including without limitation all waste by-products of manufacturing and commercial establishments, cinders, ashes from commercial boilers, card board and wooden boxes, crates and barrels.

"Household garbage" means waste composed of food scraps, paper, cans, wrappings, small discarded items, rags, and such other waste matter normally to be disposed of from residences, churches and other small establishments. No flammable, poisonous or hazardous materials may be placed in household garbage.

"Other refuse and trash" means any solid waste other than commercial wastes, household garbage, recyclable material and yard waste. This category includes, but is not limited to waste such as construction and building material, discarded furniture and appliances, boxes, cardboard, metal, machinery, tires, rugs, soil, ashes, any garbage not contained in city roll carts.

"Yard wastes" means leaves, brush, grass and hedge trimmings, weeds, shrub and tree prunings, tree limbs, discarded Christmas trees, nursery and greenhouse vegetative residuals and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

12-B - Offense delineated.

1. It is unlawful for any person to pick from or disturb the contents of any garbage container or vessel or other containers provided for in this chapter.
2. Placement of Other Wastes for Disposal. No waste materials other than those specified by this chapter for collection by the city may be placed upon street rights-of-way. Residents utilizing private collection services for refuse, trash, yard wastes and recyclable materials must arrange for such materials to be collected from their premises, and not from city street rights-of-way.
3. Notification of and penalties for violation of this article.
  - a) It shall be unlawful to place solid waste materials of a kind or in any manner except as expressly permitted under this Chapter.
  - b) Upon the first such violation the city shall notify the offender of same and allow the offender a reasonable time, not to exceed ten (10) days, to remedy the offending condition or practice.
  - c) In the event that no corrective action is taken by the offender within the time allowed, or upon a subsequent such violation, the offender shall be cited to Mansfield Municipal Court, and, upon conviction of said offence, subject to the general penalty provided in Section 1-109 of this code.

## Article 2 - Garbage

1. Property owners and tenants of rental property shall be jointly and severally responsible for proper disposal of solid waste originating from property owned or occupied by either of them and jointly liable for violations of this Article. 3.

### 12-C - Collection of household garbage—Roll cart system.

Except as provided in this section the roll cart system shall be the only approved method of collecting household garbage from residential customers in the City and shall be conducted and administered pursuant to the following regulations:

1. Provision of Roll Carts. One roll cart will be provided by the City to each residential dwelling unit (house or apartment) utilizing city collection services for household garbage.
2. Household Garbage to be Contained in Roll Carts. All household garbage placed for collection must be contained in roll carts. No household garbage may be placed for collection on the ground or pavement outside of roll carts.
3. Carts to Remain Property of City. Roll carts shall remain the property of the city and will be assigned by the city to affected residences for collection of household garbage.
4. Placement of Garbage for Collection. The person having responsibility for controlling disposal of garbage in each household shall cause all garbage collected in such household to be placed in a city roll cart container and placed at the street curb at the time hereinafter designated on scheduled collection days.
5. Exemption from Collection Requirement. Citizens who are unable due to disability, health or age to place roll carts for collection as specified in this section may apply to the city clerk for written approval for collection of roll carts from their premises.
6. Weight of Roll Cart and Contents. The combined weight of a roll cart and its contents shall not exceed two hundred (200) pounds, and shall not be filled beyond the point at which the lid can be completely closed.
7. Identification of Containers. Where more than one family occupies a dwelling or apartment building, roll carts shall be marked by the city to indicate the family using the particular roll cart. Roll carts may be identified by placing thereon the apartment number or name of the applicable household. When roll carts are so identified they may be used only by the persons whose name or other identification is shown thereon.

8. **Lost, Stolen or Damaged Roll Carts.** Any roll cart provided by the city which becomes lost, stolen or damaged shall be replaced by the city, and the cost for such replacement shall be borne by the city or by the property owner, depending upon the circumstances of such damage or disappearance. The city shall be the sole determiner of responsibility for replacement costs. Roll carts which are damaged through normal usage shall be repaired or replaced by the city.
9. **Maintenance of Roll Cart.** It shall be the responsibility of customers to maintain roll carts serving their residence or properly in a clean and sanitary manner, free of noxious odors, maggots, insects, rodents, or any other condition which may render them unhealthy to occupants of the residence or the neighborhood. Roll carts and the garbage therein, shall be maintained in compliance with city, state, and county health code requirements.
10. **Location of Roll Carts.** Roll cart garbage containers provided to residences by the city shall be placed for collection in an area between sidewalk and curb, or between residential property and street pavement, or in other street-side areas approved by the city's public works department. Roll carts shall be placed at said locations no earlier than seven p.m. on the day preceding the collection day, and shall be removed from said locations within twenty-four (24) hours next following collection. No roll cart shall be placed for collection in a location that obstructs gutters, drains, walkways or streets.
11. **Collection Schedule.** The city public works department shall provide to each residence receiving city garbage collection service a schedule which shall indicate the days on which such collection will be made.
12. **Additional Roll Carts.** Residents of any dwelling unit or members of any establishment requiring more than one roll cart for the regular disposal of household garbage may request additional roll carts at an additional service charge of eight dollars (\$8.00) per month.

#### 12-D - Removal of container cover an offense except when done by authorized person.

When a garbage container is placed outside of any premises, it is unlawful and a violation of this chapter for any person engaged in the removal of garbage or for any other person to remove the cover from such garbage container except for the purpose of emptying its contents into a duly authorized garbage collector. It is also a violation of this chapter to throw such garbage container on the street or sidewalk, and all persons engaged in the removal of garbage shall, after emptying said container, replace said cover tightly on said container.

#### 12-E - Disposal of commercial waste.

The City shall not collect commercial waste. Any individual or business generating commercial wastes shall make suitable arrangements for the collection and disposal of such commercial wastes.

#### 12-F - Platform for garbage cans.

Wherever garbage cans from commercial establishments remain outside, a suitable platform, preferably of concrete, not less than eighteen (18) inches in height must be provided as a base for the garbage cans.

#### 12-G - Collection of recyclable materials—Recycling system (Not Offered at this Time)

#### 12-H - Mandatory garbage collection by city—Collection policies and collection fees.

1. **Mandatory Use of Garbage Collection Services.** All residents of the city receiving utilities from the city, whether residing in an apartment or a single-unit home, shall utilize the city's sanitation department garbage collection services and pay the fees imposed therefor by the mayor and council of the city as hereinafter provided.
2. **Garbage Collection Services.** The mayor and council shall from time to time by resolution establish policies and procedures for the city's garbage collection and sanitation services. The policies and

procedures aforesaid may address such items as requiring sufficient garbage containers be provided for each residence and the sizing thereof.

3. **Garbage Collection Fees.** The mayor and council shall from time to time by resolution establish a schedule of fees and charges for the city's garbage collection and sanitation services provided in accordance with the provisions of this section and regulations and resolutions promulgated hereunder. Until such fees are changed by resolution adopted subsequent to the effective date of this section, the schedule of fees and charges shall be as follows:
  - a. All residential dwelling units inside the city limits utilizing residential garbage collection services shall be charged a garbage collection fee per residence of sixteen dollars (\$16.00) per month; provided, however, that any resident who has filed with the city manager satisfactory proof that the principal resident and head of household of a residence is over sixty-five (65) years of age, the monthly fee for garbage collection services at such location shall be fourteen dollars (\$14.00).
  - b. All residential dwelling units outside the city limits utilizing residential garbage collection services shall be charged a garbage collection fee per residence of eighteen dollars (\$18.00) per month; provided, however, that any resident who has filed with the city manager satisfactory proof that the principal resident and head of household of a residence is over sixty-five (65) years of age, the monthly fee for garbage collection services at such location shall be sixteen dollars (\$16.00).
4. **Billings for Garbage Collection Fees.** The charges for garbage collection fees in accordance with the provisions of this section shall be included as a separate cost item on the city's monthly utility bill to the person or legal entity receiving such services. The failure of any person or legal entity to pay the garbage collection fees properly billed to them shall authorize the city's refusal to provide future such services to that customer.

### Article 3 - Yard Waste

#### 12-I - Disposal of yard waste.

The city will continue to provide collection and disposal of yard waste pursuant to the following regulations:

1. **Prior Notice to City.** It shall be the responsibility of property owner or resident to notify the city of the need to dispose of yard waste. Unless notified by the property owner or resident, the city will not arrange nor be responsible for the collection and disposal of yard waste, and such responsibility will remain with the property owner or resident.
2. **Placement of Yard Waste for Collection.** Permitted yard waste may be placed upon city street rights-of-way for collection by the city, but only on the street frontage of the premises from which such yard waste was generated. However, no yard waste may be placed so as to block any gutter or drainage ditch or to impede the passage of traffic upon city streets.
3. **No Inclusion of Trash or Refuse Among Yard Wastes.** Only plant materials may be placed for collection as yard waste. No other trash, garbage, or refuse of any kind including, but not limited to household garbage and commercial waste may be incorporated into yard waste put out for collection. It shall be the responsibility of property owners and tenants to arrange for the disposal of household garbage, commercial waste, recyclable material, and other refuse and trash other than those yard wastes which are collected by the city in accordance with the provisions of this chapter.
4. **Permit and Fee Required for Disposal of Excessive Yard Waste.** The garbage collection fees of the city of Mansfield include services for usual and normal disposal of yard waste placed at right-of-way for pick up. The garbage collection fees do not cover costs to the city for pick up and disposal of large amounts of yard waste from tree removal, shrub or brush trimming or brush removal. For large amounts of such yard waste, the following provisions shall apply:

- a. The city will not collect waste from the removal of trees over five inches in diameter or 5 feet in length. It shall be the responsibility of the property owner or resident to dispose of waste from tree removal.
- b. The maximum amount of yard waste which may be placed at right-of-way for collection by city shall be not more than six cubic yards (approximately one full pickup truck load) per week.
- c. Residents or property owners desiring the city to pick up and dispose of larger amounts of trimmings, brush, or limbs must apply at Mansfield city hall on the form for same supplied by the city for a permit to place such wastes at the street. Application for permit shall state: (a) the address of property from which waste is to be generated; (b) proposed date of placement of waste at the street; and (c) a signed agreement that the resident or property owner will pay to the city the actual costs of pick up and disposal of the excessive waste. A minimum fee of fifty dollars (\$50.00) shall be paid upon submission of said application. Actual costs of disposal shall be determined by the city's public works department, and any amount over minimum fee shall be billed to resident or property owner.
- d. Violations. Residents or property owners placing excessive amounts of brush or trimmings at right-of-way without a permit shall be notified that a permit is required. Failure to obtain a permit shall be held to be a violation of this chapter, and shall be subject to penalties which may include, but are not limited to: (a) billing from the city for costs of excessive waste pick up and disposal; and/or (b) summons to Mansfield Municipal Court for such violation, as provided in Section 12-B of this article.

**Section 2:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

**Section 3:** Such amendment shall be effective as of the day adopted by the City Council for the City of Mansfield, Georgia,

This Ordinance is adopted this 8<sup>th</sup> day of August, 2016.

**CITY OF MANSFIELD, GEORGIA**

By: Jefferson Riley, Mayor  
**Jefferson Riley, Mayor**

**ATTEST:**

Jeana Hyde  
**Jeana Hyde, City Clerk**