AN ORDINANCE BY

COUNCILMEMBER FELICIA A. MOORE

03-O-0914

AN ORDINANCE TO AMEND SECTION 130-1 OF THE CODE OF ORDINANCES BY UPDATING SEVERAL DEFINITIONS AND ADDING TWO (2) NEW DEFINITIONS; AND FOR OTHER PURPOSES.

WHEREAS, the city of Atlanta did amend its definition Section of 130-1 of the Code of Ordinances and the current definition has created some concern with the definition of solid waste and solid waste handling facility; and

WHEREAS, the city of Atlanta would like to clarify the discrepancy that exist regarding these definitions in its Code of Ordinances; and

WHEREAS, the citizens and businesses in the city of Atlanta will benefit from this clarification of a conflict that exist in the Code of Ordinances.

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

SECTION 1: That Section 130-1 be amended as follows:

Sec. 130-1. Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Apartment means any lot upon which there are located four or more dwelling units.
Building of public worship means any lot upon which is located one or more buildings used for the purpose of public worship.
Bulk Yard Waste means oversized yard wastes such as tree trunks and branches exceeding two feet in diameter and four feet in length that are biodegradable.
Bulky items means discarded non-putrescible waste including but not limited to the following items: furniture; carpets; mattresses; household appliances including refrigerators, ranges, washers, dryers, water heaters, and dishwashers and other similar items (commonly known as "white goods"); electronic equipment such as stereos, televisions, computers, and VCRs and other similar items (commonly known as "brown goods"); clothing; and tires. Bulky items do not include any motor vehicle or any subassembly, component or part thereof (except tires).
Collector means a person who, under verbal or written agreements, with or without compensation, does the work of collecting and transporting solid waste, from industries, offices, retail outlets, businesses, institutions and similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and transporting waste from such individual's own single-family dwelling unit.

Commercial and industrial property means any lot that is used wholly or predominantly, according to the total square footage of building structure on all stories devoted to a particular use, for business, commercial or industrial purposes or for the purposes of boardinghouses or mobile home parks and any other lot which is excluded from any other categories set forth in this section or the definitions contained in this section.
Commercial waste means waste materials generated in commercial operations.
Commissioner means the commissioner of public works or any duly authorized assistant, agent or representative of the commissioner.
Compostable waste means any organic waste materials that are source separated for processing or composting, such as yard waste and food waste.
Disposal facility means any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.
Disposal operation means the performance of solid waste disposal and includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.
Disposal site means the location or land area where the final disposition of solid waste occurs.
Excess garbage means garbage set out for disposal as overflow to a customer's regular container service.
Garbage.
A. *Garbage* means putrescible wastes including kitchen and table food wastes; animal or vegetable wastes resulting from the storage, preparation, cooking, processing or handling of foodstuffs; non-putrescible wastes that are mixed in the same container with or contaminated by putrescible wastes; small dead animals not exceeding five pounds in weight; and any putrefactive or easily decomposable waste material that is likely to attract flies, vermin, birds or rodents.
B. *Garbage* does not include materials that are separated and set aside for recycling or composting and does not include hazardous material, household hazardous material, or sewage or sewage sludge or human or animal excrement or yard waste.
Hazardous material as defined in Section 1004(5) of the Resource Conservation and *Recovery Act of 1976 (RCRA),* means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: 1) cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The owner or operator of a facility which treats, stores, manages, or disposes of such materials is required by Section 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA) to submit an emergency and hazardous chemical inventory form to the State and to the Local Emergency Planning Commission, and is required to submit a MSDS per RCRA. Hazardous material includes all household hazardous materials in volumes of fifteen (15) gallons or greater.
Household hazardous materials means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household or similar source that is either ignitable, corrosive, reactive or toxic, in volumes under 15 gallons.

Incinerator means any device intended or used for the reduction or destruction of solid waste by burning.
Industrial waste means waste materials generated in industrial operations.
Landfill means a method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.
Litter means uncontrolled or uncontainerized solid waste.
Nuisance means any improper deposit or disposal of refuse as defined in this section.
Putrescible wastes means wastes that is capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.
***'Recovered materials'* means 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.**

Residence means any lot that is used exclusively for residential purposes, but not lots upon which are located licensed hotels or motels or apartments.
Rubbish means all un-containerized, discarded, non-putrescible waste matter not including bulk items and excluding yard waste which cannot be easily deposited in, or removed by city personnel from containers provided by the city for disposal and collection of solid waste from residences.
Salvage means a controlled method of sorting and storing solid wastes for future use as approved by the commissioner.
Sanitary landfill means a method of disposing of putrescible waste and hazardous waste on land by placing an earth cover thereon.
Scavenging means uncontrolled picking from discarded solid waste materials.
Solid waste means ~~putrescible and nonputrescible wastes, except water-carried body waste, and includes garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, residue from incineration, food processing wastes, abandoned automobiles, dredging wastes, demolition wastes, construction wastes, hazardous wastes and any other waste material in a solid or semisolid state not otherwise defined, including reusable or recyclable material.~~ **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, semisolid, 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 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).**
Solid waste handling means the storage, collection, transportation, treatment, utilization, processing or disposing of solid wastes or any combination thereof.
***Solid waste handling facility* means any facility or location, the primary purpose of which is storage, collection, sorting, transportation, treatment, utilization, processing or disposal, or any combination thereof, of solid waste. Such facility shall include any facility engaged in the handling, as described above, of**

compostable waste, other than a facility engaged solely in the handling of yard trimmings, as defined herein.

Special pickup means a pickup of bulk items, bulk material or excess garbage requested by the customer at a time other than the regularly scheduled service time, which involves the dispatch of a truck.

Street frontage means the aggregate number of feet fronting or abutting on streets where any lot fronts on more than one street.

Transfer station means a supplemental transportation facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility.

Trash means non-putrescible solid waste, of a size and form which can be easily deposited in, and removed by city personnel from, containers provided by the city for the disposal and collection of solid waste from residences, and which includes paper, cardboard, small metal items or containers and packaging materials, and similar items normally accumulated in the care and maintenance of residential or commercial property.

Vegetative overgrowth means any and all uncultivated vegetative growth exceeding a height of 18 inches, as measured vertically from the surface of the ground, and covering a continuous area of 400 square feet or 25 percent, whichever is less, of that portion of any lot, tract or parcel of land which is not occupied by buildings, other structures or trees.

Weeds means all rank, vegetative growth, including kudzu, poison ivy, plants of obnoxious odors, weeds and grasses causing hay fever or those which serve as a breeding place for mosquitoes and other unhealthy or undesirable insects or as a refuge for snakes, rats or other rodents or as a hiding place for filth, litter or trash or that create a fire or traffic hazard or provide a hiding place for persons.

Yard ~~waste~~ ***trimmings*** means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over four inches in diameter; and biodegradable or compostable waste approved for the yard waste programs. It excludes loose soils; food waste; plastics and synthetic fibers; lumber; any wood or tree limbs over four inches in diameter or three feet in length; human or animal excrement; soil contaminated with hazardous materials; and all matter resulting from landscaping development and maintenance by a professional contractor.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.