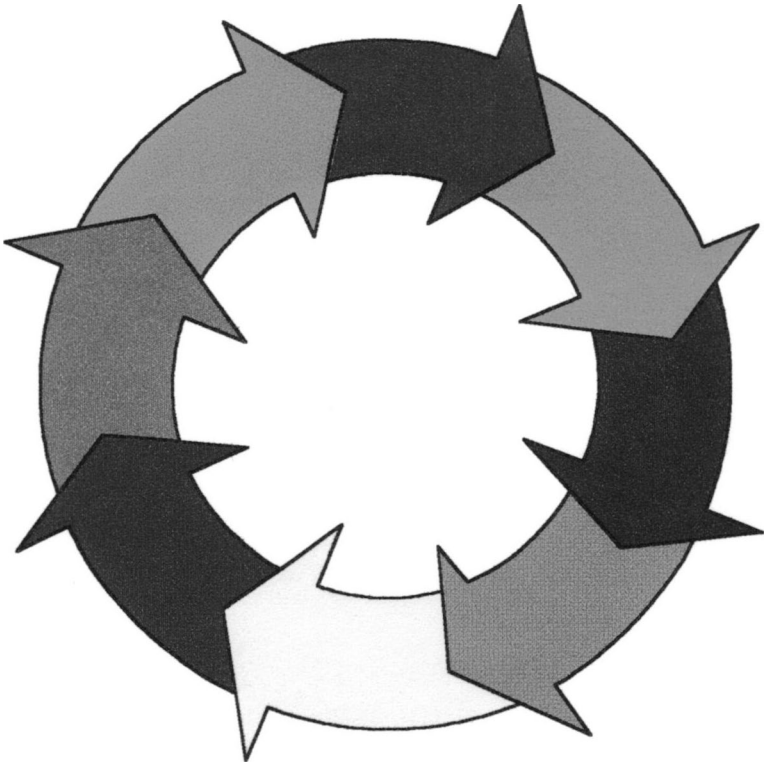


Solid Waste Management Ordinance

Cook County, Georgia

Adopted December 2, 1991
Amended July 6, 1993
Amended November 7, 1994
Amended December 19, 1994
Amended November 2, 1998
Amended December 8, 2008
Amended October 3, 2012
Amended June 21, 2021

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COOK COUNTY SOLID WASTE MANAGEMENT ORDINANCE

An ordinance amending the previously amended Solid Waste Management Ordinance for Cook County Georgia originally adopted December 2, 1991 and reprinted to include amendments adopted July 6, 1993, November 7, 1994, December 19, 1994, December 8, 2008, October 3, 2012, and June 21, 2021 to include all remaining applicable original transcript.

I. PURPOSE, LEGAL AUTHORITY, AND TITLE

This ordinance is for the citizens of Cook County. Its purpose is to make Cook County a pleasant, healthful place to live, work and rear children.

By the authority invested in us by the Constitution of the State of Georgia, Article IX, Section II, Paragraph III, we the Board of Commissioners of Cook County, do hereby enact this ordinance into law.

This ordinance shall be known as the Cook County Solid Waste Management Ordinance.

II. DEFINITIONS

A. County Administrator - The person authorized by the Board to implement and enforce the provisions of this ordinance or his duly qualified representative.

B. Board - The legally designated and qualified governing authority of the County of Cook, the Cook County Board of Commissioners.

C. Collector - A person or persons, as defined herein, who, under agreement, verbal or written, with or without compensation, does the work of collecting and/or transporting and/or disposing the solid waste from industries, offices, retail outlets, businesses, institutions and/or similar locations, or from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.

D. County - the County of Cook, State of Georgia.

E. Disposal Facility - Any facility or location where any treatment, utilization, processing or deposition of solid waste occurs.

F. Disposal Operation - The performance of solid waste disposal and includes administration, personnel, land, equipment, design and other elements necessary or useful in the work of solid waste disposal.

G. Disposal Site - The location or land area where the final disposition of solid waste occurs.

H. Garbage - Food waste, including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in our storing of meat, fish, fowl, fruit or vegetables.

I. Hazardous Waste - Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use), pathological wastes, highly flammable or explosive wastes; toxic wastes, sewage sludge, and other waste material determined to be likely hazard to the public health, safety or environment.

J. Person - Any individual, partnership, public or private corporation, association, institution, or other entity.

K. Scavenge - The uncontrolled picking from discarded waste materials.

L. Solid Waste - Putrescible and non-putrescible wastes, except water carried body waste, and shall include garbage, rubbish ashes, street refuse, dead animals, sewage sludge, animal manures, industrial wastes,

residues from incineration, food processing wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state nor otherwise defined in this ordinance

M. Solid Waste Handling - The storage, collection, transportation, treatment, utilization, processing, or disposing of solid wastes, or any combination thereof.

N. Transfer Station - A facility used to transfer solid wastes from one transportation vehicle to another for transportation to a disposal facility.

OTHER DEFINITIONS

Other words, not specifically defined within this section of the ordinance, shall have their standard, or dictionary meaning.

III. ADMINISTRATION

The County Administrator is authorized and directed to administer and enforce the provisions of this ordinance. He shall have control of solid waste facilities, equipment and personnel and shall organize and operate a publicly owned solid waste collection, transportation, and disposal system; he shall inspect and regulate the operation of private collectors and private transportation, and disposal systems to the end that such operations shall be in compliance with this ordinance. All regulatory actions of the County Administrator shall be subject to the review of the Board of Commissioners.

Any person aggrieved by a requirement of, or fee charged by the County Administrator shall have the right to appeal to the Board of Commissioners which may, upon hearing, confirm, modify, or revoke such requirements or fees.

Furthermore, in addition to the County Administrator, any duly sworn law officer of Cook County is hereby authorized and directed to enforce the provisions of this ordinance.

IV. PRE-COLLECTION

A. Accumulation - No person shall keep or store waste outside of any residence or building in cook county except it be in proper containers or otherwise prepared as set forth herein. Any unauthorized accumulation of solid waste is hereby declared a nuisance and is prohibited. The County Administrator or their designee by written notice shall notify the owner or occupant of any premise with such accumulation within ten (10) days of the date of such written notice to do so shall be deemed a violation of this ordinance and subject to penalties hereinafter set forth and each day's failure to remove such accumulation shall be a separate violation.

This provision shall apply whether the owner or occupant of such premises disposes of his own solid waste on the premises or not.

B. Containers - All solid wastes that are likely to attract flies, rodents, dogs, cats, or other animals, or to blow and litter the landscape, or to create odors or vapors, or, in any way to create a nuisance are required to be placed in approved containers. Approved containers may be cans constructed of metal or plastic, essentially leak proof, rodent proof and fly proof and with tight fitting lids, or may be disposable paper or plastic bags intended for garbage and are essentially fly and rodent proof

V. GREEN BOXES

The County has provided green, metal solid waste storage containers located at strategic sites throughout the County. These containers are designed and intended for use for household solid waste only.

No person shall place any construction refuse, land clearing and tree trimming refuse, appliances, mattresses or bed springs, scrap iron, rocks, dead animals, incinerator residues (including debris from burned barrels), concrete, furniture, or similar bulky non-compatible materials within these

containers; or any substance classed as hazardous waste be placed therein.

SCAVENGING IN OR AROUND THE CONTAINERS IS PROHIBITED.

Collection from these storage containers by County Collection vehicles should be performed at least two (2) times per week and more often in high solid waste generation areas.

VI. PRIVATE COLLECTION, TRANSPORTATION, AND DISPOSAL

A. Vehicles - Vehicles used for collection and transportation of solid waste shall be kept clean and in good repair. They shall be constructed in such a manner that the contents thereof cannot be spilled, leaked, or blown from the vehicle. In addition, vehicles used by Collectors shall be readily identifiable by letters not less that three (3) inches high and easily legible, painted on the door of the cab or in an equally conspicuous place, showing the owner's name, telephone number, vehicle number if more than one, State permit number where applicable, and rated load capacity in cubic yards.

B. Collectors - No person may act as a Private Collector of solid waste as defined herein, within the confines of Cook County unless he has first applied for and received a valid license from the Cook County Commissioners' office. Applications for the license must be received by the County Administrator at least fifteen (15) days prior to January 1 of each year the application must supply, but not be limited to, the following information.

1. Number and date of applicants' Georgia permit for solid waste collection and/or disposal site.

2. Number of vehicles, capacity, type and vehicle identification number, and number of employees for each vehicle.

3. The names of industrial and commercial establishments and the number of residences to be served.

4. If applicant does not operate a disposal site, he must give the name and State permit number of any disposal site to which he transports solid waste.

The County Administrator Office shall consider such applications within fourteen (14) working days of receipt; shall evaluate the accuracy of data submitted and the applicant's capacity to perform his proposed solid waste operation within the requirements of this ordinance in a satisfactory manner.

The application with appropriate signed recommendations shall then be forwarded by the County Administrator to the Board who shall take such action upon the application as they deem advisable and shall thereupon notify the applicant of action taken and, in case of denial, the reason or reasons, therefore.

VII. ASBESTOS/TIRES/LEAD ACID BATTERIES

A. Asbestos to be received in the landfill is subject to special handling and service charges of $25.00. Asbestos to be accepted must he contained in six (6) gage plastic bags and stores in a fiberglass barrel (or better); all in accordance with state regulations. The county reserves the right to reject any and all asbestos materials based upon the site availability.

B. Old tires, which are prohibited for disposal at the landfill require special handling and will be subject to the following special handling, and service charges as established by the County:

$2.00 per passenger tire,
$5.00 per four-wheel drive truck tires,

$15.00 for tractor trailer tires and farm tractor tires.

C. All lead-acid batteries are prohibited to be disposed of at the landfill. Each battery to be received in the landfill is subject to a special handling and service charge of $1.50.

VIII. DISPOSAL SITES

All disposal of solid waste shall be at disposal sites licensed by the State of Georgia Environmental Protection Division and operated in accordance with the Rules and Regulations of the Georgia Department of Naturally Resources and at no other place.

IX. COOK COUNTY SUBTITLE D LANDFILL

Solid wastes deposited during operation hours at the Cook County Sanitary Landfill shall be deposited as designated by the operator on duty. The following operating hours shall be as posted by the Landfill Scale Operator:

Monday through Friday 7:30 A.M. – 4:30 P.M.
Saturday 7:30 A.M. – 12 noon
Sunday/Holidays approved furlough days Closed

No automobiles or major parts thereof may be deposited in the landfill. Large amounts of building refuse, land clearing refuse, appliances, and scrap metal may be deposited in designated areas within the landfill provided twenty-four (24) hours prior notice is given to the operator on duty. No hazardous wastes, liquid wastes, or burning or smoldering residue may be deposited in the landfill

Large dead animals such as cows, horses, and hogs may be deposited in designated areas in the landfill provided at least one hour's notice is given to the operator on duty and the proper user fee of $40.00 per ton (i.e. $.02 per pound) is paid.

All domestic animals also may be deposited at the same rate with a minimum of' $1.00 per animal.

X. USER CHARGES.

All solid wastes deposited in the landfill arc subject to normal user charges of $40.00 per ton, subject to the minimum of $1.00 per private vehicle.

User charges for refuse shall be based on actual vehicle weights less the tare weight for the vehicle as determined on the landfill scales at the time of deposit.

XI. PAYMENT

Each user delivering waste to the Cook County Sanitary Landfill shall pay their user charges at the time of deposit at the Cook County Sanitary Landfill unless a charge account has been approved in advance by the County Administrator or his/her designated representative.

On or before the tenth day of each month, the County Commissioners office shall bill each approved user for the previous month's landfill user fees. The bill shall be due and payable not later than the twenty fifth day of the month of billing. Bills not paid by the twenty fifth of that month shall be subject to a one (1) percent penalty plus interest. Accounts with bills past due more than thirty (30) days may be excluded from use of the landfill and licenses, if any, may be suspended or revoked at the discretion of the County Administrator. Uncollected user fees more than ninety (90 days in arrears shall be turned over to the Magistrate Court of Cook County for collection.

XII. DEAD ANIMALS

Disposition of dead animals is the exclusive responsibility of the owner of such animals. In specific instances, if the owner is not known, the County will dispose of dead animals, but as soon as the owner of such animal is determined, he shall be liable to the County for the full costs of disposing of such animals.

No person shall allow dead animals to remain on or in front of his premises more than twenty-four (24) hours without proper burial or other approved disposition. Each twenty-four (24) hour period excepting the first shall be deemed a separate violation subject to the penalties set forth, in this ordinance

XIII. FINANCING

To ensure adequate financing of a comprehensive solid waste management program, the County Administrator shall annually submit to the Board a proposed budget for the ensuring fiscal year. The Board shall take such action as it deems appropriate as a said budget and shall give consideration to said budget in its final form, in the establishment of the required tipping fee / user fee for the ensuing fiscal year in accordance with OCGA 12-8-39.

XIV. PENALTIES

A. It shall be unlawful for any person to dump waste unless authorized to do so by law or by a duly issued permit:

1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping.

2) In or on any fresh-water lake, river, canal, or stream or tidal or coastal water of the state; or

3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state, law, rule, or regulation.

B. Any person who dumps waste in violation of Georgia Code Section 16-7-52 in an amount not exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall be guilty of a misdemeanor of a high and aggravated nature. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

C. Any person who dumps waste in violation of Georgia Code Section 16-7-52 in an amount exceeding 500 pounds in weight or 100 cubic feet in volume shall upon the second and each subsequent offense be guilty of a felony and, upon conviction thereof, shall be fined not more than $2,500 for each violation or imprisoned for more than two years, or both. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

D. Any person who dumps waste in violation of Georgia Code Section 16-7-52 in any quantity if the waste is biomedical waste, hazardous waste, or a hazardous substance or if the dumping is for commercial purposes shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $25,000.00 for each violation or imprisoned for not more than two years, or both. For purposes of this subsection, each day continuing violation occurs shall constitute a separate violation,

E. In addition to the penalties provided in subsections (a) and (b) of this Code section, the court may order the violator to remove or render harmless any waste dumped in violation of Georgia Code Section 16-7-52, repair or restore property damaged by or pay damages resulting from such dumping, or perform public service related to the removal of illegally dumped waste or to the restoration of an area polluted by such waste.

F. Whenever any waste which is dumped in violation of Georgia Code Section 16-7-52 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon, addressed to such person or in any other manner indicating that the article belongs or belonged to such person, it shall be rebuttable presumption that such person has violated this part.

G. Nothing in this part shall limit the authority of any state agency to enforce any other laws, rules, or regulations relating to waste or the management of solid, biomedical, or hazardous waste.

XV. SEVERABILITY

The provisions of this ordinance are declared to be separate and severable and should any section, paragraph, sentence, clause, or phrase herein, or the application of same to any particular person or circumstances, be held invalid for any reason by a court of competent jurisdiction, the remainder of said ordinance shall remain of full force and effect.

REPEAL OF CONFLICTS

XVII. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall be in full force and effect from its approval and adoption by the Cook County Board of Commissioners on June 21, 2021.

Approved and adopted this first day of June 21, 2021.

COOK COUNTY BOARD OF COMMISSIONERS

_____
Audie Rowe, Chairman

_____
Dwight Purvis. Vice-chairman

_____
Debra Robinson

_____
DATE

_____
Lindsey Parrish

_____
Jeff Lane

Attest:_____
Vicki S. Parrish, County Clerk

NOTES