

1 FIRST READING February 9,2021

2
3 ADVERTISED _____

4
5 PASSED _____

6
7 AN ORDINANCE NO. BR2021-04

8
9 AN ORDINANCE TO AMEND THE BLUE RIDGE GARBAGE
10 COLLECTION ORDINANCE ADOPTED SEPTEMBER 9, 2014 TO
11 PROVIDE FOR A NEW DEFINITION; TO IMPOSE MINIMUM
12 TRASH COLLECTION REQUIREMENTS FOR RESTAURANTS;
13 AND FOR OTHER PURPOSES.

14
15 **WHEREAS**, the City Council of the City of Blue Ridge, Georgia adopted
16 the Blue Ridge Garbage Collection Ordinance (“Ordinance”) on September 9,
17 2014, a true and correct copy of which is attached hereto;

18 **WHEREAS**, the City Council determines it is in the best interests of the
19 City and its citizens to enact certain amendments to the Ordinance to promote the
20 public health, safety and welfare of the citizens;

21 **THEREFORE, BE IT ORDAINED**, and it is hereby ordained by the
22 above-referenced authority as follows:

23 **SECTION 1.**

24
25 Section 4 “Definitions” is hereby amended to add the term “**Restaurant**”
26 which shall be defined as “**a business establishment where the primary purpose is**
27 **to sell meals, drinks or refreshments to the general public.**”

28 Section 16 “Collection Requirements” subsection (b) shall be amended to
29 read *“Collection from residential premises shall be made at least once weekly.*
30 *Said collection shall occur on the designated day of the week as selected by the*
31 *garbage collection business, and the selected date shall be provided both to the*
32 *customer and to the City of Blue Ridge. Collection from commercial premises*
33 *shall be made at least once weekly, **with the garbage collection business providing***
34 ***an option of daily collection, Monday to Friday.** The collection days may be*
35 *changed by the garbage collection business but any change must be done with 30*
36 *days advance notice to the customers and to the City of Blue Ridge, Georgia.”*

37 Section 18 entitled “Owner or Occupants Prohibited To [sic] Collection or
38 Scattering of Garbage, Trash, etc.” is hereby amended to change the title to
39 **“Owner or Occupants Minimum Disposal Frequency and Prohibition From**
40 **Collection or Scattering of Garbage or Trash”** and is further amended to read:

41 *No person, firm or corporation who shall own or occupy a residential or*
42 *commercial premise within the City of Blue Ridge shall permit residential garbage,*
43 *commercial garbage, trash, or refuse to collect, or remain on such premise or*
44 *premises except during periods between the authorized pick-up times of the*
45 *garbage collection business, and no person, firm or corporation who shall own or*
46 *occupy a premise or premises in the City of Blue Ridge shall allow garbage,*
47 *commercial garbage, trash or refuse to be scattered from such premise or premises*

48 **onto any public property.** Any premise that does not utilize a garbage collection
49 business shall properly dispose of its' garbage, commercial garbage, trash or
50 refuse in a properly permitted solid waste landfill and shall dispose of said
51 garbage, commercial garbage, trash or refuse in a scheduled periodic manner of
52 at least once weekly and in such a fashion as to prevent foul odors, unsightliness
53 or a public nuisance to adjoining property owners. **Notwithstanding any other**
54 **provision or ordinance, any Restaurant that provides seating for 10 or more**
55 **persons shall dispose of all garbage, commercial garbage, trash or refuse at least**
56 **once daily from Monday to Friday. No business operating within the City limits**
57 **of Blue Ridge, Georgia shall place garbage in any City owned or maintained**
58 **trash receptacle or garbage can.**”

59 **SECTION 2:**
60 **REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**

61
62 On the effective date of this Ordinance, all parts of ordinances in conflict
63 with the terms of this ordinance are hereby repealed to the extent of the conflict,
64 but it is hereby provided that any ordinance or law which may be applicable hereto
65 and aid in carrying out and making effective the intent, purpose and provisions
66 hereof, is hereby adopted as a part hereof and shall be legally construed to be in
67 favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

68

69

70 **SECTION 3.**
71 **SEVERABILITY**

72
73 If any paragraph, subparagraph, sentence, clause, phrase or any other portion
74 of this Ordinance should be declared invalid or unconstitutional by any Court of
75 competent jurisdiction or if the provisions of any part of this Ordinance as applied
76 to any particular person, situation or set of circumstances is declared invalid or
77 unconstitutional, such invalidity shall not be construed to affect the provisions of
78 this Ordinance not so held to be invalid, or the application of this Ordinance to
79 other circumstances not so held to be invalid. It is hereby declared to be the
80 legislative intent of the City Council of the City of Blue Ridge, Georgia to provide
81 for separate and divisible parts and it does hereby adopt any and all parts hereof as
82 may not be held invalid for any reason.

83 **SECTION 4.**
84 **EFFECTIVE DATE**

85
86 The effective date of this Ordinance shall be immediately upon its passage
87 by the City Council and execution by the Mayor or upon fifteen (15) days expiring
88 from the date of its passage without a veto of said Ordinance by the Mayor as set
89 forth in the City Charter at Section 3.23(b). Upon the Ordinance becoming
90 effective, the City Clerk shall insert the modifications, additions or deletions and
91 publish the Ordinance as amended.

92 SO ORDAINED, this ____ day of _____, 2021.

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99

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Attest:

City Clerk

FIRST READING 12-11-2012

PUBLISHED 12-11-2012

PASSED 9-9-2014

AN ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE BLUE RIDGE GARBAGE COLLECTION ORDINANCE; TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, TRASH, AND REFUSE WITHIN THE CITY OF BLUE RIDGE, GEORGIA BY PRIVATE GARBAGE COLLECTION COMPANIES THAT HOLD A NON-EXCLUSIVE FRANCHISE BY WAY OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT HAS BEEN ISSUED BY THE CITY OF BLUE RIDGE, GEORGIA, AND TO MAKE SAID GARBAGE COLLECTION SYSTEM AVAILABLE TO ALL RESIDENTIAL AND COMMERCIAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY, AND TO PROVIDE THAT ALL CUSTOMERS THAT USE SAID GARBAGE COLLECTION SERVICES SHALL PAY A FEE FOR SAID SERVICE; TO PROVIDE FOR A MINIMUM OF WEEKLY COLLECTION; TO PROVIDE THAT THE PRIVATE GARBAGE COLLECTORS SHALL PROVIDE OR REQUIRE SANITARY TRASH AND GARBAGE CONTAINERS; TO PROHIBIT THE SCATTERING OF GARBAGE AND TRASH; TO PROHIBIT DEPOSITING OF GARBAGE AND REFUSE IN STREETS OR PUBLIC PLACES; TO PROVIDE THAT PRIVATE GARBAGE COLLECTION COMPANIES SHALL NOT OPERATE WITHIN THE INCORPORATED AREA OF THE CITY OF BLUE RIDGE, GEORGIA, WITHOUT HAVING RECEIVED A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED BY THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR AN APPLICATION PROCESS TO RECEIVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; TO PROVIDE FOR A FEE SCHEDULE AND BILL PROCEDURE; TO PROVIDE FOR TERMINATION OF SERVICES; TO PROVIDE FOR A CLEANUP CHANGE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Blue Ridge, Georgia, in order to protect the public health, and prevent the spread of garbage, trash, and refuse in order to prevent the proliferation of rodents,

vermin, and other destructive creatures and insects, and to prevent the creation of public nuisances and the spread of disease and filth due to garbage, desires to provide for the regulation of collection and disposal of garbage, trash and refuse within the City; and

WHEREAS, in order to continue to prevent the spread of disease, garbage, and trash, by way of the governmental service of garbage collection and disposal, the City has determined that in order to defray the cost of providing the garbage collection and disposal service, the City shall regulate the operation of private garbage collection companies within the incorporated area of the City and limit the operation of said companies within the incorporated area of the City to those companies that hold a non-exclusive franchise by way of a certificate of public convenience and necessity as issued by the City of Blue Ridge, Georgia; and

WHEREAS, the City of Blue Ridge, Georgia has determined that it is appropriate that only the users of the garbage collection and disposal services from the private garbage collection and disposal companies holding a certificate of public convenience and necessity should be assessed a monthly fee as set by said holders, and in this manner, provide a reasonable economic basis for the provision of said services by said private companies, and defray in this manner the cost and expense of providing this necessary government service; and

THEREFORE BE IT ORDAINED by the City Council of Blue Ridge, Georgia, and **IT IS HEREBY ORDAINED** by the authority of the City Charter, as amended, and Art. IX, § II, ¶ III of the Georgia Constitution of 1983, as amended:

SECTION 1. RECITALS.

The foregoing recitals shall be included within this ordinance, as a finding of purposes and a statement of intent of the legislative (governing) body of the City of Blue Ridge, as to the Blue Ridge Garbage Collection Ordinance being an user ordinance as opposed to an availability

ordinance and that private garbage collection companies operating within the incorporated area of the City of Blue Ridge, Georgia, must hold a non-exclusive franchise by way of a certificate of public convenience and necessity issued by the City of Blue Ridge, Georgia in order to so operate. This intent is expressly made in order to give guidance to any court as to any provision of the ordinance requiring judicial interpretation.

SECTION 2. REPEAL.

All ordinances and parts of ordinances in conflict herewith, including but not limited to any prior Blue Ridge Garbage Collection Ordinance, are hereby repealed to the extent of the conflict, except as provided hereinafter. This amendment and repeal of any prior garbage collection ordinance shall not be construed to deny the right of the City of Blue Ridge to assess and collect any of the fees provided by any prior ordinance for services rendered. Further, any amendment to this ordinance, which may increase or lower the fee amounts shall not be construed as prohibiting the collection of fees by the City of Blue Ridge at the prior amounts. This ordinance does not repeal or effect the force of any part of any ordinance heretofore passed where fees levied under such prior ordinance have not been paid in full. Further, so much and such parts of ordinances heretofore and hereafter passed as provided for the collection of fees required by any such ordinance shall continue and remain in force until such fee or assessment shall be fully paid.

SECTION 3. TITLE.

The ordinance shall be titled and known as “the Blue Ridge Garbage Collection Ordinance”.

SECTION 4. DEFINITIONS.

When used in this ordinance, the following words and phrases shall have the meaning given in this Section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term “shall” is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Alley: A private or public thoroughfare which affords only a secondary means of access to a building or abutting property and is not intended for general traffic circulation.

Biomedical Waste: Pathological waste, biological waste, cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-1.5 of the Board of Natural Resources of the State of Georgia, as amended, and other such waste materials, including but not limited to the following:

- (a) Pathological waste means all recognizable human tissues and body parts which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.
- (b) Biological waste means bulk blood and blood products, exudates, secretions, suctionings, and other bulk body fluids which cannot or are not directly discarded into the municipal sewer system.
- (c) Cultures and stocks of infectious agents and associated biologicals includes cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded

live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(d) Contaminated animal carcasses, body parts, their bedding, and other waste from such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biologicals, or testing of pharmaceuticals.

(e) Sharps means any discarded article which may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes and needles attached, and scalpel blades.

(f) Chemotherapy waste means any disposable material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or any neoplastic agents (agents that inhibit or prevent the growth of tumors or malignant cells) during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty IV tubing bags and valves, and other contaminated materials. The above waste must first be classified as empty which means such quantity that it is not subject to Federal or State waste management regulations prior to being handled as biomedical waste.

Certificate: Means a non-exclusive franchise by way of a certificate of public convenience and necessity issued by the City Council authorizing the holder thereof to conduct a garbage collection and disposal business in the City.

City: The City of Blue Ridge, Georgia.

Commercial Garbage: Solid waste, litter, refuse, paper, or other discarded material ordinarily generated as byproducts of commercial enterprises.

(g) Discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, that were in contact with infectious agents.

Doing Business in the City: Means operating a garbage collection and disposal, or transport over the streets of the City, any garbage and/or commercial garbage, trash, or refuse for monetary consideration.

Dwelling, Single-Family: A building designated or arranged to be occupied by one (1) single housekeeping unit only.

Garbage: Solid waste, litter, refuse, or other discarded putrescible and non-putrescible waste (except not including water carried body waste and recovered materials, biomedical waste, or hazardous waste, or any combination thereof) and shall include but not be limited to animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

Governing Body: The Mayor and City Council of the City of Blue Ridge, duly elected by the citizens within the jurisdiction.

Hazardous Waste: Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal acts which are in force and effect on February 1, 1988, codified as 40 C.F.R. § 261.3 and any designated hazardous waste.

Holder: Means a person or legal entity to whom a non-exclusive franchise by way of a certificate of public convenience and necessity has been issued by the City of Blue Ridge, Georgia for garbage collection and disposal.

Landfill: An area wherein solid wastes are placed, under license, compacted and covered but specifically excluding hazardous or radioactive wastes.

Litter: Trash, wastepaper, junk, filth, debris, scraps, rubbish, materials in a crumbled or broken condition or mass, debris from pruning or processing plant material, and any material or object having little or no value due to being discarded, crumbled, broken, or being debris.

Owner: The holder of the title in fee simple of the property.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; anything that causes hurt, inconvenience or damage to another, even though it may otherwise be lawful.

Person: An individual, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation, limited liability company, limited liability partnership, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic or political subdivision, whether public, private, or quasi-public.

Premises: A lot or tract of property as otherwise used in this Ordinance

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Use: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

Zoning: A legislative procedure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

**SECTION 5. REGULATION OF THE BUSINESS OF OPERATING
A GARBAGE COLLECTION AND DISPOSAL SERVICE
WITHIN THE INCORPORATED AREA OF THE CITY
OF BLUE RIDGE, GEORGIA.**

The City of Blue Ridge, Georgia, in order to ensure the proper collection and disposal of garbage within the incorporated area of the City of Blue Ridge, Georgia, does hereby regulate the business of the collection and disposal of all garbage and commercial garbage, trash, and refuse within the City, and no person shall operate the business of operating a garbage collection and disposal service in the City without first meeting the requirements of this chapter, and obtaining a non-exclusive franchise by way of a certificate of public convenience and necessity issued by the City of Blue Ridge, Georgia. All garbage collection and disposal businesses holding a non-exclusive franchise by way of a certificate of public convenience and necessity shall make their service of garbage collection and disposal available to all residential and commercial premises within the City that desire to use the service, and with said users of the service obligated to pay the monthly sanitation and health charges assessed by said companies for their service.

**SECTION 6. REQUIRED CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.**

No person shall do business or operate a garbage collection and disposal service owned or controlled by said person in the City without first having obtained a non-exclusive franchise by way of a certificate of public convenience and necessity from the City Council.

SECTION 7. APPLICATION.

An application for a certificate shall be filed with the City Clerk upon forms provided by the City, and shall be verified under oath. Each applicant is required to submit a police clearance consisting of a background investigation including a criminal history check. If the applicant is

other than sole proprietor, all partners, officers, managers and stockholders holding a ten (10) percent or more interest in the company shall be subject to the provisions of this section. The application shall be made in the owner's name. An applicant must:

(1) Be at least twenty-one (21) years of age.

(2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service and must provide a Systematic Alien Verification for Entitlements (SAVE) affidavit.

(3) Have not been convicted, entered a plea of guilty or nolo contendere, been on probation, parole or been imprisoned within a period of ten (10) years previous to the date of the application, for any felony.

(4) File applications for the initial inspections of garbage collection vehicles along with a list of all drivers and indicate whether drivers are company employees or independent contractors. An insurance binder must be provided for each vehicle which will be used.

(5) Submit with the application payment of the regulatory fee of One Thousand (\$1,000.00) Dollars and the proper occupation tax if applicable upon being granted a certificate. A regulatory fee of \$1,000.00 shall be required for each annual renewal of a certificate. Besides the above-referenced regulatory fee paid as a part of the initial application or any renewal application, each holder of a certificate of public convenience and necessity shall also pay the franchise fees required under Section 20(b) of this ordinance, and on a monthly basis as required by said section of the ordinance.

(6) Provide the following information:

(a) Business – Trade name of business; legal name of business; business address; business telephone number; federal employer ID number or Social Security number; mailing address; type of ownership; parties having any interest in the business; the amount, terms, and payee of any capitalization loans; the company color scheme and insignia to be used on its vehicles; detailed business plan; details of insurance coverage including agency, copy of policy or binder number, length of coverage, amounts and types of coverage; the number of vehicles to be used.

(b) Applicant – Full name; aliases; race; sex; nationality; Social Security number; alien registration number if applicable; home address; length of residency; home phone number; birthplace; date of birth; occupation and employer; driver's license number; education; height; weight; hair color; eye color; other physical characteristics; previous employment history; previous addresses; previous arrests including offense, location, date, and disposition; financial statement; the existence of any prior applications; the existence of any previous revocations or suspensions of any garbage collection license or certificate; the existence of an interest in any other garbage collection operations; the existence of any unpaid judgments against the applicant; the amount of experience in the transportation of garbage.

(c) Manager – Full name; home address; date of birth; race; sex; Social Security number.

(7) Submit any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate.

(8) Provide such further information as the City Council shall require.

SECTION 8. PUBLIC HEARING.

Upon the filing of an application, the City Clerk shall fix a time and place for a public hearing thereon by the City Council. Notice of such hearing shall be given to the applicant and to all persons holding certificates at the time of the application being filed. Due notice shall also be given the general public by advertising a notice of such hearing in a newspaper of general circulation once before the hearing. Any interested person may file with the City Clerk a memorandum in support of or in opposition to the issuance of a certificate.

SECTION 9. ISSUANCE.

(a) If the City Council finds further garbage collection service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and any rules promulgated by the City, then the City Clerk or designee shall issue a non-exclusive franchise by way of a certificate in the name of the business as well as the owner(s) named in the application, stating the name and address of the applicant, the date of operation authorized under such certificate and the date of issuance, otherwise the application shall be denied.

(b) In making the above findings, the City Council shall take into consideration the number of garbage collection companies already in operation, whether existing service is adequate to meet the public need, the probable effect of increased service on the economic feasibility of operation of the certificate holders, and the character, experience, and responsibility of the applicant.

(c) The following formula shall be used in determining whether additional garbage collection is required for the public convenience and necessity:

(1) The total number of companies authorized under certificates issued shall not be greater than one (1) company per four hundred (400) residents of the City of Blue Ridge. Such population shall be based upon the most current census information available from the U.S. Census Bureau.

(2) This section is intended to establish a minimum number of authorized garbage collection companies, and should not be construed to limit the authority of the City Council to deny an application for a non-exclusive franchise by way of a certificate if they determine that the public convenience and necessity does not warrant the issuance of such certificate.

SECTION 10. LIABILITY INSURANCE REQUIRED.

(a) No certificate shall be issued or continued in effect unless there is in full force and effect liability insurance for each garbage collection company authorized in the amount of three hundred thousand dollars (\$300,000.00) bodily injury to any one person; in the amount of five hundred thousand dollars (\$500,000.00) for injuries to more than one (1) person which are sustained in the same accident and twenty-five thousand dollars (\$25,000.00) for property damage resulting from any one (1) accident. Such liability insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Written documentation of above stated insurance coverage, signed by an authorized agent of the insurer shall be filed in the office of the City Clerk and submitted with the application of any renewal thereof. Such insurance shall be carried with some reputable company with an agency and place of doing business in the state and subject to the approval of the State Insurance Commissioner.

(b) Each certificate holder shall provide to the City Clerk upon application and any renewal thereof, proof that all vehicles used by the company are in compliance with the minimum insurance requirements of State law.

(c) Before any policy of insurance required by this article is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given immediately, in writing, to the City Clerk.

SECTION 11. LICENSE FEES.

(a) No certificate shall be issued or continued in operation unless the holder has paid an annual regulatory fee, as provided in Section 7, for the right to engage in the garbage collection business, and the required franchise fees as provided by Section 20(b) on a monthly basis. Such fees shall be for the calendar year and shall be in addition to any other license fees or franchise charges established by proper authority and applicable to such holder or the vehicle or vehicles under his operation and control.

(b) In the event the certificate is denied or the application is withdrawn prior to the issuance, the amount of the regulatory fee shall be refunded, with the exception of the amount of one hundred dollars (\$100.00) which will be retained by the City to cover administrative and investigate costs.

SECTION 12. SUSPENSION OR REVOCATION OF CERTIFICATE.

(a) A certificate may be suspended or revoked by the Mayor, City Administrator or other designed agent of the City for the following reasons:

(1) Furnishing fraudulent or untruthful information or omitting information requested in any application or report.

(2) Failure to pay all fees, taxes or other changes imposed by the provisions of this Code.

(3) Failure to maintain all of the general qualifications applicable to the initial issuance of a certificate.

(4) Allowing the required insurance coverage to lapse.

(5) Violation of any provision of this chapter.

(6) Commission of any act which would disqualify a person from obtaining a certificate.

(7) Discontinuing operations for a period of more than thirty (30) days, or failing to begin operations within sixty (60) days of the date of issuance of a certificate.

(b) Prior to any suspension or revocation by the City agent, the certificate holder shall be given written notification of the action, which shall include the grounds for such action and notice of the certificate holder's right to appeal.

SECTION 13. APPEALS PROCEDURE.

(a) Decisions of any City agent that adversely affect or aggrieve any applicant or certificate holder under this chapter may be appealed to the City Council. All appeals shall be submitted in writing to the City Clerk, within ten (10) calendar days after notification of the adverse decision.

(b) A hearing shall be conducted on each appeal within thirty (30) days of the date of the filing of the written appeal, unless a continuance of such hearing is agreed to by the appellant and the City Clerk, or unless the hearing is rescheduled by the City Council. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses.

(c) The appellant shall be notified in writing of the date and time of the hearing at least seven (7) calendar days prior to the date of the hearing.

(d) The findings of the City Council shall be final unless appealed within thirty (30) days of the date of the finding by certiorari to the Superior Court of Fannin County.

SECTION 14. RENEWAL OF CERTIFICATES.

(a) All certificates shall expire on December 31 of each year, including the year of issue, but may be reinstated by the City Clerk for the following year, upon renewal application being made and a determination by the Clerk that the applicant remains qualified as set forth in this chapter, and upon payment of the appropriate fees.

(b) Certificates may be renewed only between November 1 and December 31 of each year for the following year. Certificates not renewed by December 31 shall be void and such certificate holder must reapply as a new applicant in order to obtain a certificate.

SECTION 15. ALTERATION OF CERTIFICATES.

It shall be unlawful for any person willfully to alter, deface, obliterate, or destroy a certificate of public convenience and necessity issued pursuant to this chapter.

SECTION 16. COLLECTION REQUIREMENTS.

In order to qualify for a non-exclusive franchise by way of a certificate of public convenience and necessity to operate a garbage collection and disposal business within the incorporated area of the City, a garbage collection business must meet the following requirements and swear under oath in their application that they will meet the requirements:

(a) Each garbage collection business must be able to provide residential pickup and commercial dumpster service. If the garbage collection business provides sanitary containers (garbage cans or carts, in the discretion of the garbage collection business) or

commercial dumpsters, or both, then said containers and dumpsters shall be maintained in good working condition, and in a sanitary condition, free from odor and in proper condition to prevent the overflow or scattering of trash, garbage or refuse. If the garbage collection business requires the customer to provide the container then the customer shall be responsible for the condition of the container.

(b) Collection from residential premises shall be made at least once weekly. Said collection shall occur on a designated day of the week as selected by the garbage collection business, and the selected date shall be provided both to the customer and to the City of Blue Ridge. Collection from commercial premises shall be made at least once weekly, but may occur more often depending upon the volume and type of commercial garbage. The collection days may be changed by the garbage collection business, but any change must be done with 30 days advance notice to the customers and to the City of Blue Ridge, Georgia.

(c) Each garbage collection business must provide a customer service phone number to its customers and to the City of Blue Ridge, and must return customer phone calls within 24 hours of a call by a customer. Each garbage collection business will handle all customer service issues in a prompt and professional manner, and will be responsible for handling all customer issues including billing and collections for the bills for services.

(d) Each garbage collection business shall provide an information sheet to the City of Blue Ridge that the City of Blue Ridge will use to provide to potential customers and allow a potential customer to select which garbage collection service that the customer desires. The information sheet shall include at a minimum the following: name of the garbage collection business; name of local manager handling customer service within the City of Blue Ridge; contact information for the customers as to the garbage collection business including but not

limited to the customer service phone number; service prices of the garbage collection business; and pick-up requirements and regulations of the garbage collection business for service. The City of Blue Ridge will not encourage one garbage collection business over another, and will merely provide the information sheets of the garbage collection businesses holding a certificate of public convenience and necessity within the City to the potential customers, and answer questions regarding billing matters.

(e) Each garbage collection business upon contracting with a new customer, shall for franchise fee purposes provide to the City of Blue Ridge the following information: customer name; customer location; type of customer (residential or commercial); type of container pick-up (residential garbage can, commercial dumpster and the size of commercial dumpster); the number of days of pick-up a week or a month, designated day for garbage pick-up, and pricing for the service that is to be billed.

(f) Garbage collection businesses must provide to their customers, both new and old, labels no smaller than five inches by seven inches (5" x 7") to go on the residential and commercial garbage containers. The labels provided to customers must state the name of the company and the customer service contact information, as well as any other information that the business desires (garbage pick-up day, etc.).

(g) Any garbage collection business operating under a certificate of public convenience and necessity shall hold the City harmless against any and all liability, loss, cost, damages, or expense which may accrue to the City by reason of the negligence, default, or misconduct of the garbage collection business in connection with the rights granted to such business hereunder. Nothing in this ordinance shall be considered to make the City liable for damages because of any negligent act or omission or commission by any garbage collection

business, its servants, agents, drivers, or other employees, during the operation of the business of the garbage collection service, either in respect to injuries to persons or with respect to damage to property which may be sustained.

**SECTION 17. SANITARY TRASH AND GARBAGE CONTAINERS
REQUIRED; MAINTENANCE.**

(a) All persons or entities receiving garbage collection (which shall not include those premises, the occupants or owners of which elect not to use the garbage collection system made available to said premises) from the residential or commercial premises within the City shall use sanitary containers (garbage cans or carts) in which trash, garbage, commercial garbage, or refuse shall be kept prior to collection, and all persons or entities of residential or commercial premises shall use said sanitary containers (which can be a dumpster for commercial premises). The containers shall be provided either by the customers or the garbage collection business, as shall be determined between them.

No person or entity shall place biomedical waste, hazardous waste or industrial waste, or any combination thereof into said containers, and such an act shall be a violation of this ordinance subjecting the violator to the maximum penalties allowed by the City Charter of the City of Blue Ridge.

(b) All persons or entities using sanitary containers shall maintain said containers in a sanitary condition, free from odor and in proper condition to prevent the overflow or scattering of trash, garbage or refuse.

(c) All garbage and/or commercial garbage shall first be placed in a plastic or paper bag before placement in the container.

(d) On or before the day of collection, the sanitary containers containing the garbage and/or commercial garbage to be collected and disposed of shall be placed at the access point into the premises from the public way (“curbside”) in order to facilitate the pickup of the garbage, unless otherwise permitted by the garbage collection business or City of Blue Ridge due to age or disability of the occupant of the premises or due to the volume or type of commercial garbage or due to being placed in an approved dumpster.

**SECTION 18. OWNER OR OCCUPANTS PROHIBITED TO
COLLECTION OR SCATTERING OF GARBAGE, TRASH,
ETC.**

No person, firm or corporation who shall own or occupy a residential premise or commercial premise within the City of Blue Ridge shall permit residential garbage, commercial garbage, trash, or refuse to collect, or remain on such premise or premises except during periods between the authorized pick-up times of the garbage collection businesses, and no person, firm, or corporation who shall own or occupy a premise or premises in the City of Blue Ridge shall permit garbage, commercial garbage, trash or refuse to be scattered from such premise or premises into the public streets or alleys of the City of Blue Ridge. Any premise that does not utilize a garbage collection business shall properly dispose of its garbage, commercial garbage, trash or refuse in a properly permitted solid waste landfill, and shall dispose of said garbage, commercial garbage, trash or refuse in a scheduled periodic manner and in such a fashion as to prevent foul odors, unsightliness, or a public nuisance to adjoining property owners.

**SECTION 19. MONTHLY SANITATION AND HEALTH CHARGES-
AUTHORIZED LIABILITY FOR PAYMENT.**

(a) In order to protect the health, welfare and good order of the citizens of the City of Blue Ridge by providing a garbage collection and disposal system by the regulation of

holders of certificates of public convenience and necessity for garbage collection and disposal, and to defray the cost and expense of providing said system within the City, a monthly sanitary and health charge or fee shall be assessed against the owner or occupant, or both, of every premise within the City that uses the services of an authorized garbage collection business, and with said charge as set by the garbage collection business providing the service. Each authorized garbage collection business shall monthly bill and collect the charges for the services of the garbage collection business used by the customers within the City of Blue Ridge.

(b) The occupant or owner, or both, of every premise that uses Blue Ridge's garbage collection and disposal system shall be liable for the payment of said monthly charge to the authorized garbage collection business providing the service, but if for any reason, the occupant of any premise that uses Blue Ridge's garbage collection and disposal system shall fail to pay said monthly charge to the authorized garbage collection business providing the service, then the owner of said premise shall be liable for the payment. Any other premise in the unincorporated area of Fannin County, utilizing the garbage collection and disposal system of Blue Ridge with the express permission of the City Council, shall be assessed with the fees charged by the garbage collection business, and the occupant (or owner, or both) of said premise shall be liable for the payment of said monthly fee charged to the authorized garbage collection business providing the service. If for any reason, the occupant of said premise shall fail to pay said monthly charge to the authorized garbage collection business providing the service, then the owner of said premise shall be liable for the payment thereof.

SECTION 20.

FEE SCHEDULE.

(a) The monthly sanitary and health charges referred to in Section 19 for the various premises within the corporate limits (and outside the corporate limits where the system is

utilized) and which use the garbage system of the City of Blue Ridge shall be as fixed by the garbage collection businesses used by the customers. Each garbage collection business shall provide its pricing information or services to the City of Blue Ridge, as well as the other information required by Section 16.

(b) Each garbage collection company shall pay to the City of Blue Ridge twelve (12%) percent of the fees charged for their services as a franchise fee to the City of Blue Ridge on a monthly basis, and based upon the amount of fees collected in the prior month by the authorized garbage collection company.

SECTION 21.

BILLING PROCEDURE.

The monthly sanitary and health charge for each premise using the system shall be billed and collected on a monthly basis by each authorized garbage collection business. Each authorized garbage collection business shall send to each premises using their service, a bill for the monthly sanitary and health charge for each month on the first day of the following month, and payment of the bill will be due by the fifteenth (15th) day of each month, unless the garbage collection business secures from the City Council of the City of Blue Ridge different dates for billing and collection. Each authorized garbage collection business shall remit to the City, the franchise fees required under Section 20(b) on the first Thursday of each month for fees collected in the previous month. The garbage collection charges, at the election of the person owing the charge, may be paid up to a year in advance (however, such payment will not prevent or estop the garbage collection business from changing the fee as necessary in the discretion of the garbage collection business).

**SECTION 22. NONPAYMENT OF FEES DEEMED VIOLATION
REQUIRING TERMINATION OF SERVICES.**

Any person, firm, or corporation failing for any reason or refusing to pay the monthly sanitary and health charge after having been duly billed for same by the authorized garbage collection business shall be subject to any remedy allowed by law to the authorized garbage collection service for the non-payment of the charges. Any violation as described above may, in the discretion of the authorized garbage collection company, result in an assessment against any garbage service deposit that the violator may have with the authorized garbage collection company, or termination, or both, of any service provided by the garbage collection company to the violator.

SECTION 23. CLEANUP CHARGE.

In the event City employees or agents of the garbage collection business, or both, have to clean up loose garbage or remove loose garbage left in a container, a person, firm, or corporation, the occupant of the premises, or the owner of the premises shall be responsible for paying a minimum charge of \$20.00 (and a maximum charge of the amount of the business or City's labor cost) to reimburse the cost of the labor charges and the work necessary to clean up the garbage or container. The occupant of the premises shall be liable for this charge; but if for any reason, the occupant of a premises shall fail to pay said charge to the City, the owner of said premises shall be liable for the payment thereof. This cleanup charge is set at a minimum charge of \$20.00 (and a maximum charge of the amount of the labor cost) and may be paid from any garbage service deposit that has been presented to the City, by the person, firm, corporation, occupant of the premises, or owner of the premises.

SECTION 24. DEPOSIT REQUIRED GARBAGE SERVICE ONLY CUSTOMERS.

Each occupant of a premise who receives garbage service (and has no deposit) after the date of passage of this ordinance, may be assessed by the authorized garbage collection company, a garbage service deposit fee in a reasonable amount for the purposes of garbage pickup. The authorized garbage collection company shall provide to the City, as part of the information to be provided to customers, the amount of the garbage service deposit fee. The deposit shall be subject to being assessed, and used to pay delinquent charges, if the occupant fails to pay the monthly sanitary and health charge.

SECTION 25. PENALTIES.

Any person, entity, firm or corporation who fails to pay the monthly sanitary and health charge, may forfeit their deposit (for any service) as required by this ordinance, or have a termination of the services that they receive, or both. Any person, entity, firm or corporation who shall do anything prohibited by this ordinance as the same exists, or as it may hereafter be amended, or who shall fail to do anything required by this ordinance as the same exists, or as it may hereafter be amended, except as for the failure to pay the required charges, shall be subject to the maximum penalties allowed by the City Charter of the City of Blue Ridge, and as assessed in the discretion of the Judge of the Municipal Court of the City of Blue Ridge.

SECTION 26. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance, should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances should be declared invalid or unconstitutional, such invalidity shall not be

construed or affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 27. EFFECTIVE DATE.

This ordinance shall be effective upon passage by the City Council.

This 9th day of September, 2014.

BLUE RIDGE CITY COUNCIL

By: Donna White
Mayor

Harold Heredia
Councilperson

Rodney Hutchins
Councilperson

Angie Arp
Councilperson

Bruce Park
Councilperson

Robert Thomas

Councilperson

Attest:

Bill Sowers

City Clerk Bill Sowers