



**July 3, 2012 9:00 A.M.**

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Gary Lewis
3. Recognitions/Public Presentations
  - A) Recognition for "Employee of the Month"
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
  - A) Approval of Minutes
    - a) June 19, 2012 Council Minutes
  - B) Consideration of a motion to approve 2<sup>nd</sup> reading of **Ordinance 2012 -03**: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety
  - C) Consideration of a Motion to adopt **Resolution 2012-15**: Resolution accepting the right of way of Gesmon Neville Lane as a public street to be owned and maintained by the City of Statesboro
  - D) Consideration of a Motion for the surplus and disposal of two (2) trucks on gov.deal
    - a) Water/Sewer-1996 F-150 extended cab truck
    - b) Wastewater- 1997 F-150 extended cab truck
  - E) Notification of an alcohol license application:  
Licensee: Christian Bennett  
DBA: Van Gogh's Pizza Brewery, LLC  
Location: 120 Lanier Drive  
Type of Alcohol License: Restaurant  
Type of Business: Beer, Wine, Liquor by the Drink-Pouring Sales
  - F) Consideration of a Motion to surplus two (2) vehicles from the Natural Gas Department
    - a) 1994 Top Kick cab and chassis
    - b) 1997 Ford F-250
6. Consideration of a Motion and 1<sup>st</sup> reading to adopt **Ordinance 2012-02**: An Ordinance to amend Article 5 of the Charter of Municipal Code of the City of Statesboro by adding Sections 5-12 through 5-20 which shall be known as the "City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance".

7. Consideration of a Motion to approve 2<sup>nd</sup> reading of **Resolution 2012-16**: A Resolution amending the Downtown Statesboro Incentive Program
8. Other Business from City Council
9. Consideration of a Motion to Adjourn



**CITY OF STATESBORO  
CITY COUNCIL MINUTES  
JUNE 19, 2012**

A regular meeting of the Statesboro City Council was held on June 19<sup>th</sup>, 2012 at 6:00 pm in the Council Chambers at City Hall Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blicht, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Councilman John Riggs was absent.

**Recognitions/Public Presentations**

- a) **Jessica Ragsdale request to speak with Council concerning trash or household garbage**

Jessica Ragsdale was absent for the meeting.

**Public Comments (Agenda Item): None**

**Consideration of a Motion to approve the Consent Agenda**

- A) **Approval of Minutes**
  - a) **June 5, 2012 Council Minutes**
  - b) **June 12, 2012 FY 2013 Budget Public Hearing Minutes**
- B) **Consideration of a Motion to approve 2<sup>nd</sup> reading of the Ordinance to amend the City of Statesboro GMEBS Retirement Plan to exclude part time fire fighters**
- C) **Consideration of a motion to approve the amendment to the City of Statesboro Personnel Policy to exclude part-time fire fighters from employee benefits**

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in its entirety. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Chance to authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Downtown Statesboro Development Authority/Main Street to market downtown Statesboro, using proceeds from the Hotel/Motel Tax**

Councilman Chance made a motion, seconded by Councilman Lewis to authorize the Mayor to execute a contract for services with the Downtown Statesboro Development Authority/Main Street to market downtown Statesboro, using proceeds from the Hotel/Motel Tax. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Convention and Visitors Bureau, Inc. to market Statesboro and Bulloch County, using proceeds from the Hotel/Motel Tax**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Chance to authorize the Mayor to execute a contract for services with the Statesboro Convention and Visitors Bureau, Inc. to market Statesboro and Bulloch County, using proceeds from the Hotel/Motel Tax. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve Resolution 2012-11: A Resolution to adopt the fiscal year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available for appropriation**

Councilman Chance made a motion, seconded by Councilman Blicht to approve Resolution 2012-11: A Resolution to adopt the fiscal year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available for appropriation. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve the following:**

- a. **APPLICATION # RZ 12-05-02: Downtown Statesboro Development Authority requests a zoning map amendment from PUD/CR (Planned Unit Development with Commercial Retail overlay) to R4 (High Density Residential) for property located on South College Street. (Tax Parcel Number S21000011001).**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve APPLICATION # RZ 12-05-02: Downtown Statesboro Development Authority requests a zoning map amendment from PUD/CR (Planned Unit Development with Commercial Retail overlay) to R4 (High Density Residential) for property located on South College Street. (Tax Parcel Number S21000011001). Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # RZ 12-05-05**: Godbee Enterprises, Inc. requests a zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial) for property located at 612 South Zetterower Avenue (Tax Parcel Number S31000021004).

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to deny **APPLICATION # RZ 12-05-05**: Godbee Enterprises, Inc. requests a zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial) for property located at 612 South Zetterower Avenue (Tax Parcel Number S31000021004). Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to amend **APPLICATION # RZ 12-05-05**: Godbee Enterprises, Inc. requests a zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial) for property located at 612 South Zetterower Avenue (Tax Parcel Number S31000021004) with the conditional use variance for auto sales. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of Motion to Approve Award of Contract to Ellis Wood Contracting in the amount of \$66,485.80 to make traffic calming and pedestrian safety improvements on Lanier Drive. Lanier Drive Traffic Calming and Pedestrian Safety Improvements to be funded by 2007 SPLOST**

Councilman Lewis made a motion, seconded by Councilman Blicht to award the contract to Ellis Wood Contracting in the amount of \$66,485.80 to make traffic calming and pedestrian safety improvements on Lanier Drive. The Lanier Drive Traffic Calming and Pedestrian Safety Improvements will be funded by the 2007 SPLOST. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to Approve Award of Contract to Everett Dykes Grassing Co Inc. in the amount of \$229,343.87 to perform roadway improvements on Old Register Road and Packinghouse Road**

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Brit to award a contract to Everett Dykes Grassing Co Inc. in the amount of \$229,343.87 to perform roadway improvements on Old Register Road and Packinghouse Road. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a motion to approve Resolution 2012 -12: A resolution amending the schedule of fees and charges for the Solid Waste Collection Division of the Engineering Department**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve **Resolution 2012 -12**: A resolution amending the schedule of fees and charges for the Solid Waste Collection Division of the Engineering Department. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a motion to approve Resolution 2012 -13: A resolution amending the schedule of fees and charges for the Solid Waste Disposal Division of the Engineering Department.**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve Resolution 2012 -13: A Resolution amending the schedule of fees and charges for the Solid Waste Disposal Division of the Engineering Department. Councilman Britt, Blitch, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a motion to approve 1<sup>st</sup> reading of Ordinance 2012 -03: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety**

Councilman Lewis made a motion, seconded by Councilman Blitch to approve 1<sup>st</sup> reading of Ordinance 2012 -03: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Britt, Blitch, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to approve Resolution 2012-14: A Resolution to adopt the second amendment to the fiscal year 2012 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated**

Councilman Blitch made a motion, seconded by Mayor Pro Tem Will Britt to approve Resolution 2012-14: A Resolution to adopt the second amendment to the fiscal year 2012 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated. Councilman Britt, Blitch, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

**Consideration of a Motion to appoint Planning Commission Members**

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to extend the current Planning Commission Members contract for Andrew Hanson and Ray Hendley, whose terms will expire on June 30, 2012, for 60 days until the seats are advertised and applications taken for anyone interested in becoming a member of the Planning Commission.

**Other Business from City Council**

City Manager Frank Parker asked Council to allow Josh Aubrey to use the City's television channel 96 on Saturday mornings from 9:00 am to 11:30 am. Council saw no issues with the request.

City Manager Frank Parker informed Council the Sea Island Bank has donated an Eagle statue to the City of Statesboro and staff's recommendation is to display it in the park on East Main St.

City Manager Frank Parker asked for Council's approval to put a \$1000.00 cap on building fees for the DSDA Incentive Package program. This will be the 1<sup>st</sup> reading if Council approves the cap. Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve a cap of \$1000.00 for building fees for the DSDA Downtown Incentive Program. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Lewis recognized members from several local African American Churches that were present at the Council meeting.

**Consideration of a Motion to enter into Executive Session to discuss "Personnel Matters" and "Potential Land Acquisition" in accordance with O.C.G.A.§50-14-3 (2010)**

Councilman Chance made a motion, seconded by Councilman Lewis to enter into Executive Session to discuss "Potential Land Acquisition" in accordance with O.C.G.A.§50-14-3 (2010) with a 5 minute break. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote. Present in the Executive Session were Council Members: Will Britt, Tommy Blicht, Gary Lewis and Travis Chance. Also present was City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart and Community Development Director Mandi Cody. Absent were Mayor Joe Brannen and Councilman John Riggs.

Councilman Chance made a motion, seconded by Councilman Lewis to adjourn the Executive Session at 7:45 pm. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Pro Tem Will Britt called the regular session back to order at 7:46 p.m. with no action being taken.

**Consideration of a Motion to Adjourn**

Councilman Lewis made a motion, seconded by Councilman Chance to adjourn. Councilman Britt, Blicht, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote. The meeting was adjourned at 7:47 p.m.



*City of Statesboro*  
*Engineering Department – Public Works*

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**STAFF REPORT**

TOPIC: **SOLID WASTE ORDINANCE (CHAPTER 66 OF THE STATESBORO MUNICIPAL CODE)**

DATE: June 12, 2012

**BACKGROUND:**

As discussed at the June 5, 2012 city council meeting and previous work session(s), staff has been receiving numerous complaints over the last few months from the citizens, apartment complexes, and various others regarding the stricter enforcement of the solid waste ordinance. As all are aware, staff began enforcement practices last year in an effort to improve operational efficiency with the personnel and funding that was, and remains, currently appropriated. Increasing demand on services and lack of adequate personnel and equipment necessary to keep up with population growth and waste volume increases over the last several years has placed significant strain on operational efficiency

As indicated in our proposal at the previous city council meeting staff is proposing to improve our services by expanding yard waste collection service and expanding our yard waste personnel by two employees and one additional truck. This will be paid for by a \$1.60 per month increase in fees per sanitation customer. The attached ordinance proposal amends the existing ordinance to allow such changes.

**HIGHLIGHTED DIFFERENCES WITH PROPOSED ORDINANCE:**

Staff proposes a new Solid Waste Ordinance to replace Chapter 66 of the *Code of Ordinances, City of Statesboro, Georgia*, in its entirety. The following outlines the most substantive changes to the existing ordinance:

- ***Collections limits and provisions.*** Yard Trash dimensional limits for individual items have been modified to allow larger materials. Yard trash maximum accumulation dimensional and weight limits have been eliminated.
- ***Felled trees and removal for compensation.*** Articles related to felled trees have been amended to require only tree felling operations to be removed by owner or contractor. In addition, any byproduct of a landscaping contractor in excess of the dimensional limit shall be removed by the contractor. Byproducts of a landscaping contractor in conformance with the provisions herein shall be collected by the city.
- ***Deposits.*** Account deposit requirements have been amended to require all new customers to provide a deposit.



**RECOMMENDATION:**

Staff recommends that City Council adopt the proposed Solid Waste Ordinance, thereby amending Chapter 66 of the *Code of Ordinances, City of Statesboro, Georgia*, by replacing it in its entirety. This proposal, in addition to the complementary proposal to increase fees, will allow staff to provide our sanitation customers with a more prompt yard waste collection frequency and with the level of yard waste collection service.

**STAFF CONTACTS:**

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**Ordinance 2012-03**  
**An Ordinance Amending Chapter 66 of the Statesboro Code of Ordinances**  
**(Solid Waste)**

WHEREAS, the City has previously adopted an ordinance regulating solid waste; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend Chapter 66 (Solid Waste) of the Code of Ordinances, City of Statesboro, Georgia to ensure efficient and responsive delivery of services:

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. Chapter 66 (Solid Waste) of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

**Article I. – IN GENERAL**

**Sec. 66-1. – Definitions**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning indicated herein.

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Building material* means any material including but not limited to materials such as lumber, roofing material, brick, concrete, plaster, flooring, plumbing materials, cabinets, doors, windows, gutters, sand, gravel or other substances used in repairs or alteration of existing buildings, construction of new buildings, or demolition of existing structures.

*Bulk container or dumpster* means a metal container of not less than two cubic yards, not larger than eight cubic yards, water tight, with a lid or lids opening on top and constructed so that it can be emptied mechanically by specially equipped trucks. All bulk containers while in service and use shall be equipped with a lid or cover.

*Collection area* means an area designated by the city to be used for the placement and collection of refuse receptacles, collection containers or trash accumulations.

*Collection container* means a container provided by the city or approved by the director, or his/her representative, to be used for the collection and disposal of garbage.

*Commercial garbage* means garbage produced by any nonresidential unit or facility or non-industrial facility including stores, offices, restaurants, warehouses, and other similar uses.

*Commercial solid waste* means all garbage and other waste byproducts, including cinders and ashes from commercial boilers, cardboard and wooden boxes, crates and barrels, or other waste byproduct(s), generated by commercial or manufacturing establishments.

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Dead animals* means the carcasses or remains of cats, dogs, small household pets, and small farm animals.

*Director* shall mean the city engineer.

*Disposal site* means an area, location, tract of land or a facility used or intended to be used for the disposal of solid waste, decaying waste, hazardous waste or other waste, except it shall not include the land or facility used for the disposal of solid waste or other waste from a single-family dwelling in which the owner, occupant, or lessee of such land or facility resides.

*Garbage, household garbage or refuse* means the by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding areas or feeding materials for flies, insects or animals.

*Hazardous waste* means materials including but not limited to materials such as poison, acids, caustic matter or solutions, chemical, infected materials, infectious carcass, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances, oils, P.C.B., antifreeze, paints, solvents and cleaning fluids, dry cleaners, fuel tanks, biomedical waste, grease traps, batteries, oxidizers, and freon or any other substance that has been defined by federal or state law as being hazardous refuse or material or which poses a similar and immediate danger or hazard to the public health, safety and welfare as the substances described herein.

*Household Trash* means materials including waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial waste* means all waste including solids, semi-solids, sludge and liquids, created by factories, processing plants or other manufacturing enterprises.

*Junked vehicles* means any discarded, dismantled, wrecked, scrapped, ruined, junked or inoperable automobile, truck or other vehicle, or vehicle which does not bear a current license plate or a current inspection sticker.

*Litter* means all garbage, refuse, waste material, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used or unconsumed substance, which is not handled in accordance with the provisions of this article.

*Loading and unloading area* means a space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities and persons.

*Reclamation* means a controlled method of sorting solid waste for future use in accordance with a procedure approved by the director.

*Recyclable materials* means materials which otherwise would be garbage, commercial refuse, industrial refuse or rubbish but for the fact that it is usable and has commercial value.

*Recycling* means the process by which reclaimed materials are collected, separated or processed, and transformed into raw materials or products.

*Residential garbage* means garbage produced by any residential unit.

*Refuse receptacle* means a poly-cart used for the automated collection of garbage.

*Rubbish* means waste including but not limited to materials such as waste paper, cartons, boxes, cans, glass, packing material, and material which is discarded, unusable or not being actively used or stored or allowed to be accumulated in an unsightly manner.

*Scavenge or scavenging* shall mean unauthorized or uncontrolled retrieval of discarded refuse materials.

*Solid Waste* means any waste including commercial garbage, residential garbage, rubbish, tree and shrubbery trimmings, and trash but does not include hazardous waste, industrial waste, or waste from mining, agricultural, or silvicultural operations.

*Trash* means appliances, metals, furniture, yard trash, or tree and shrubbery trimmings.

*Tree and shrubbery trimmings* shall mean waste accumulation of tree limbs, parts of trees, bushes, or shrubbery cuttings or clippings.

*Yard trimmings or yard trash* means grass, straw, leaves, shrubs, hedges, tree and shrubbery trimmings, or other natural waste.

## **Sec. 66-2. – Collections by city.**

- (a) *Generally.* All solid waste and recyclable materials accumulated in the city shall be collected, conveyed, and disposed of by the city, except as otherwise expressly authorized herein or approved by the mayor and city council. No person shall collect, convey over any streets or alleys of the city or dispose of any solid waste or recyclable materials accumulated in the city, except as expressly authorized herein or as allowed by pertinent and appropriate actions of the mayor and city council.
- (b) *Supervision.* All solid waste accumulated in the city shall be collected, conveyed, and disposed of by the city under the supervision of the director, who shall prescribe the days and times of collection, and other such matters pertaining to the storage location, conveyance and disposal as is necessary.
- (c) *Fees.* Fees, rates and charges for the collection services outlined in this article shall be as determined by the mayor and city council and on file in the office of the city clerk. Every residence, dwelling, business establishment or service agency within the limits of the city and to which garbage and solid waste collection and disposal services are available shall pay a fee for the availability of such service, regardless of whether the residence, business or agency used the service, and based upon a fee schedule approved by the mayor and city council.

- (d) *Night collection.* Should the best interest of the public be served by collection of refuse from certain areas in the city at night, the city shall make such collections. The occupants of all residences or places of business within the designated area shall be notified or may inquire as to the hours of such collection. All persons so notified shall comply with such order and shall place the containers as designated within such hours.
- (e) *Landlord's responsibility.* All garbage collection charges to a complex of apartments, houses, mobile homes or businesses will be billed to the landlord of the property, and the landlord shall be responsible to the city for payment of assessed charges.

**Sec. 66-3. – Private collection.**

No person or entity shall engage in the business of and receive compensation for the collection or disposal of garbage or solid waste or the collection of recyclable materials within the city, unless otherwise explicitly stated herein.

**Sec. 66-4. – Refuse receptacles and collection containers required.**

Every person or entity in possession, charge or control of any building from which garbage, trash, or other waste is accumulated or produced shall be required by this article to provide and keep in a suitable place, readily accessible to the city crews, refuse receptacles and collection containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. The director shall determine the quantity and location of such receptacles and shall determine whether such receptacles and containers are in a serviceable condition.

**Sec. 66-5. – Refuse receptacles and collection containers to be safe.**

All refuse receptacles and collection containers, as required by this article, shall be of safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this article or which has ragged or sharp edges, or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof where such receptacles and containers are not provided by the city. If such container, after appropriate notice, has not been replaced, the director shall have the right to suspend further collection of such waste material until such time as the container is brought into compliance with this article. Where receptacles or containers are provided by the city the user shall promptly notify the director or sanitation superintendent of such sharp edges, defects, or other nonconformities.

**Sec. 66-6. – Fee schedule, billing, deposits and termination of service.**

- (a) The fees and charges for the collection of trash, residential garbage, and commercial garbage; and the fees and charges for the disposal of solid waste through the transfer station and similar operations shall be established by resolution of the mayor and city council.
- (b) All fees shall be billed monthly as part of a combined utility bill, unless the user does not have another utility service. In that case, single bills shall be sent.
- (c) There shall be a deposit equal to two months' bills for any new collection customers or new solid waste disposal customers who open a monthly account with the city. If the amount is unknown when service first begins, the first three months' usage shall be

averaged to determine the amount of the deposit required, and the deposit shall be added to the bill once it is determined. The deposit may be waived if the customer can present a letter from a similar solid waste collection or disposal company, city, or other provider that indicates that the customer has paid its bills from such providers in a timely manner for at least the last 12 months of such similar service. If a deposit is required it shall be refunded without interest upon termination of service by the customer and following payment in full of all outstanding charges.

- (d) All bills shall be sent out using the billing cycle and schedule for payments as determined by the mayor and city council.
- (e) All bills not paid by the due date are subject to the late payment charge, and then immediate cut-off on the date printed on the bill.
- (f) In the event of non-payment and service cut-off, the customer must pay the bill in full, the late payment charge, a cut-off charge if applicable, and pay a deposit if it was either waived, previously refunded, or was used to make the payment, late payment charge, and/or the cut-off charge. The city manager is authorized to work out a payment plan for customers that demonstrate the ability to pay, but in no event shall such payment plan exceed 90 days before the customer's account is totally current. Such a payment plan can only be entered into once in a 12-month period. Failure to meet any payment date of a payment plan shall terminate the payment plan, and the services shall be discontinued.

**Sec. 66-7--- 66-20. – Reserved.**

**Article II. – ENFORCEMENT**

**Sec. 66-21. –Responsible agency.**

The director, landfill operator, sanitation superintendent, street superintendent, or code compliance officers shall investigate complaints or violations of any provisions of this article. They shall determine if there has been a violation, issue warnings and initiate an attempt to obtain compliance with this article by the person in violation thereof.

**Sec. 66-22. –Initiation of complaint.**

The code compliance officer shall be authorized to sign a complaint or issue a summons against a violator of this article.

**Sec. 66-23. – Civil remedies.**

In case of any violation of this article, the director, landfill superintendent, sanitation superintendent, street superintendent, or the designated code compliance officer may institute injunction, mandates, or other appropriate proceedings to prevent such violation, or to correct or abate such violation.

**Sec. 66-24. – Suspension of service.**

Upon appropriate notice to the person or entity in violation of this chapter, the director and/or city manager may suspend any service or the use of any facility maintained by the city during the period such violation continues to exist.

**Sec. 66-25. – Penalty for violation.**

Any person or entity in possession, charge, or control of any building from which garbage, trash or other waste is accumulated or produced and in violation of this article may be held liable for damages, and the recovery shall be in a sum of not less than \$110.00, nor more than \$550.00 for each violation. The city attorney may institute a proceeding in any court having jurisdiction thereof to collect such civil penalty. If the owner of the property on which the violation occurs fails to remediate the violation(s) within 30 calendar days upon receipt of notification, the city clerk may further proceed to collect the costs to the city of eliminating, removing or cleaning the premises in the same manner as provided by law for tax executions.

**Sec. 66-26 – 66-40. – Reserved.**

**Article III. – PRE-COLLECTION PRACTICES**

**Sec. 66-41. – Generally.**

The practices and procedures specified in this article shall be employed by persons in the city in order to facilitate the collection of solid wastes.

**Sec. 66-42. – Refuse and garbage.**

All refuse shall be placed and maintained in containers as specified in this article. All containers shall be maintained at all times with tight-fitting lids or covers. All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material.

**Sec. 66-43. – Household trash.**

All household trash shall be drained of all liquids prior to its being placed in refuse receptacles. Household trash may be combined with garbage.

**Sec. 66-44. – Injurious waste items.**

All waste materials of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely packaged or wrapped (used needles shall be placed in hard plastic container with lid and sealed) for the purpose of preventing injury to the collection crews or other third parties.

**Sec. 66-45. – Hazardous waste and building materials.**

No hazardous waste or building materials shall be placed in any receptacle at any time. The city shall not be required to collect any hazardous waste or building material. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the owner thereof.

**Sec. 66-46. – Collection limits.**

No residence or business shall place for collection at one time a trash accumulation, other than yard trash, with dimensions in excess of four feet in width by eight feet in length by 4 feet in height (4'x8'x4') or 400 pounds total. If the residence or business establishment places trash for collection which exceeds these limits, the residence or business shall be assessed an additional fee in an amount based on the actual cost of equipment, labor, transport or hauling and tipping fees needed for collection and disposal. Yard trash is exempt from the provisions of this section.

**Sec. 66-47. – Accessible placement.**

Trash shall be placed in a manner adjacent to a public street or alley easily accessible to city sanitation trucks.

**Sec. 66-48. – Cardboard box collection.**

All persons, firms, businesses, institutions or corporations shall be required to break down any and all cardboard boxes before placing the boxes into collection bins, receptacles, or other designated and approved collection points. To break down a cardboard box, it shall be rendered into a flat shape by whatever means necessary so that it no longer retains its three-dimensional shape and utilizes as little space as possible. Failure to break down boxes shall result in a misdemeanor, refusal by city sanitation officials to remove the garbage, or both.

**Sec. 66-49. – Yard trash, tree and shrubbery trimmings.**

Yard trash, tree and shrubbery trimmings separated from other debris shall be neatly stacked adjacent to the public street or alley used for road purposes which is nearest the property from which removed. No tree trunks, branches, limbs, or shrubbery larger than six inches in diameter, longer than six feet in length, or heavier than 60 pounds shall be collected by the city. Yard trash mixed with other debris will not be picked up. Trash other than yard trash must be in a separate stack. If a residence or business establishment places trash for collection which exceeds these limits, the residence or business shall be in violation of this section and shall be assessed an additional fee in the amount based on the actual cost of equipment, labor and tipping fees needed for collection or as otherwise provided herein.

**Sec. 66-50. – Felled trees.**

1) The owner of property on which trees are fallen or cut down is required to promptly remove all tree trunks, logs, limbs, tops or other debris resulting therefrom that is in excess of the provisions of Section 66-49, when such materials are clearly visible from any public street, alley, sidewalk, lane, path or from the property of another that adjoins the property on which the materials are located. All such debris in excess of the provision of Section 66-49 shall be promptly removed from the property and deposited in the city designated landfill or hauling station. Such materials shall not be destroyed or removed by burning.

2) All individuals, firms, businesses, partnerships, proprietorships or corporations engaged in the business of or receiving compensation for the felling and trimming of trees or removing fallen trees who shall contract with the property owner, the owner's agent or occupant to perform services on the property shall remove from the property all sawdust, branches, stumps and all portions of the byproducts of the services performed, as well as all rubbish associated therewith. All such debris, whether in excess of Section 66-49 or not, shall be



immediately removed from the property and deposited by the contractor in the city designated landfill or hauling station.

3) For the purposes of this code section compensation to individuals, firms, businesses, partnerships, proprietorships or corporations shall include, but is not limited to, receiving anything of value including monetary compensation as well as receiving the wood, limbs and other residue from the felling, trimming and removal of trees. Any form of compensation shall place the burden of disposal provided for in Section 66-50 (2) directly upon the individual, firm, business, partnership, proprietorship or corporation engaged in the business of trimming or removing trees.

### **Sec. 66-51. – Landscaping, yard maintenance, and nursery operations.**

All individuals, firms, businesses, partnerships, proprietorships or corporations engaged in the business of yard maintenance, landscaping, or nursery operation who shall contract with the property owner, the owner's agent or occupant to perform services on the property shall remove from the property the byproducts of the services performed which is in excess of the provisions of Section 66-49. Yard maintenance, landscaping and nursery operation does not include the felling of trees, trimming of trees, or the removal of fallen trees. The felling and trimming of trees and the removal of fallen trees is governed by Section 66-50.

### **Sec. 66-52. – Reserved**

### **Sec. 66-53. – Leaves.**

Leaves shall be neatly piled free of other debris and placed adjacent to the public street or alley used for road purposes which is nearest the property from which removed.

### **Sec. 66-54. – Household furniture and appliances.**

Upon request, the city shall collect normal and in tact household furniture and appliances, including sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters and similar items, but not including furnaces, from single-family and duplex (two-family) residential structures only. Persons requesting this service shall notify the office of the director or his/her designee to arrange for collection prior to placement near the road. The city shall have the right to set and collect a fee for this service.

### **Sec. 66-55. – Prohibited activities.**

The following activities are hereby declared to be unlawful and in violation of this chapter:

- 1) *Public streets and private property.* No person shall place any accumulations of refuse, trash or other waste in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent thereof and then only in accordance with the provisions of this article.
- 2) *Blockage of drainage.* At no time shall trash be placed in a manner as to obstruct drains, utility meters, walkways or streets. It shall be unlawful to use brooms, rakes, blowers or other sweeping, raking or debris removal tools or equipment so as to sweep, rake, blow or otherwise sediment or debris of any kind in or on city streets, walkways, drains, pipes or gutters. It shall be unlawful to place, accumulate or otherwise deposit

- any type of the aforementioned debris or material into a city drain, pipe, gutter or other draining conduit or receptacle.
- 3) *Impairment of sight distance.* At no time shall trash be placed in a manner as to obstruct or impair the sight distance of a driver or operator of a vehicle.
  - 4) *Unauthorized storage.* Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this article, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the director shall raise the presumption that such person intended to violate this article.
  - 5) *Junk.* It shall be unlawful for any person to place or leave outside any building or dwelling, except as specified in section 66-24, any dilapidated furniture, appliance, machinery equipment, building material, junked motor vehicle, tires or other items which are either in a partially used, wrecked, junked, dismantled or inoperative condition, and which are not completely enclosed within a building or dwelling.
  - 6) *Sweeping and blowing.* It shall be unlawful to sweep or blow with a blower or other machinery, grass clippings, leaves and other debris onto a city sidewalk, street, or gutter.
  - 7) *Dumping.* It shall be unlawful and in violation of this section to dump, place or leave bricks, blocks, rocks, lumber, asphalt, cement, concrete, concrete products or waste, roofing, sheetrock, leaves, limbs, bushes, trees, roots, dead animals, appliances, equipment, bedding, mattresses, furniture, fixtures, clothing, motors, engines' chemical wastes, industrial or commercial waste or rubbish, scrap metal, fence wire, vehicles or parts thereof, tires, building materials or supplies, and inorganic solid material of any type or kind except as authorized herein.
  - 8) *Fires.* It shall be unlawful and in violation of this chapter to set any fire, to allow a fire to burn, or in any other way attempt to damage or destroy a refuse receptacle or collection containers provided by the city.
  - 9) *Container of another.* It shall be unlawful and in violation of this chapter for any person to dump, place or leave any item at a garbage and/or solid waste collection area or in any collection container unless such person has permission of the owner and/or occupant of the premises on which the area or container is located.
  - 10) *Billboards.*
    - a. It shall be unlawful for owners to fail to maintain billboards in a manner that prevents loose paper, bills and other litter and debris resulting from the use of such signs and billboards. Any such debris, loose papers, bills and other litter shall be removed by the owners or their agents immediately upon accumulation.
    - b. Any such item or items which remain on the property of the occupant for a period of 30 days after notice of violation of this article shall be presumed to be abandoned and subject to being removed from the property by the city without further notice. The city may charge the owner or occupant a fee for the cost of removing such item or items. This section shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture.
  - 11) *Scavenging.* No person other than the owner thereof or an agent or employee of the director shall disturb or interfere with any container used for the purpose of storing refuse pending its collection, remove any contents therefrom, or remove such container from its collection.
  - 12) *Blocked Dumpster.* It shall be unlawful and in violation of this chapter for any person to block or impair access to a dumpster or commercial collection container.

**Sec. 66-56. – Abandonment.**

Any such item or items which remain on the property of the occupant for a period of 30 days after notice of violation of this article shall be presumed to be abandoned and subject to being removed from the property by the city without further notice. The city may charge the owner or occupant of the premises; any unpaid charge for removal may be collected by the city clerk in the same manner as delinquent taxes. This section shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture.

**Sec. 66-57--- 66-70. – Reserved.**

**Article IV. – COMMERCIAL ESTABLISHMENTS**

**Sec. 66-71. – Generally.**

All commercial establishments shall store their refuse in containers, as specified in this article, so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization shall include refuse receptacles, bulk containers and detachable containers. Any spillage or overflow shall be immediately cleaned up by such establishment.

**Sec. 66-72. – Loading and unloading areas.**

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall place a sufficient number of containers in such area to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be set by the director or his/her designated representative. The number of such containers to be placed in service for a particular occupant of the premise shall insure that all litter is placed in the proper container and the area is kept clean. If the occupant violates this section, collection service may be suspended by the director until such time as the owner or occupant of the premises brings such premises into full compliance with the provisions of this chapter.

**Sec. 66-73. – Construction sites and demolition sites.**

All construction and demolition contractors shall provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap building materials and other trash (no hazardous waste shall be deposited in the containers) produced by those working at the construction site. The site shall be kept in a litter-free condition. The number of refuse receptacles, bulk containers, or detachable containers (not to exceed four (4) total per site) shall be determined by the size of the job. Receptacles and containers must be promptly collected when maximum capacity has been reached. All construction receptacles and containers must be promptly removed upon completion of construction. Dirt, mud, construction materials or other debris deposited upon any public or private property belonging to a person other than the owner of the construction site shall be promptly removed by the designated collection contractor.

**Sec. 66-74--- 66-90. – Reserved.**

## **Article V. – COLLECTION PRACTICES**

### **Sec. 66-91. – Residential garbage collection.**

- (a) Garbage and solid waste at residences within the city shall be collected only by departments and employees of the city, or pursuant to a contract or franchise issued by the city. Removal by persons for hire or compensation is prohibited.
- (b) Collections from residential premises with a refuse receptacle shall be made once weekly, with the exception of holidays or in times when such collection is impossible, such as in the event of natural disasters.
- (c) (1) Resident(s) shall place garbage for curbside pickup in carts provided by the city. On the evening before each day assigned by the city sanitation superintendent for collection in the resident's area, the cart will be placed at a curbside point designated by city sanitation officials no earlier than 6:00 p.m. for pick up the next day. The cart will be removed from the curbside point by the resident no later than 8:00 a.m. on the day after the assigned collection date. Failure to remove a cart by 8:00 a.m. on the day after the assigned collection date shall result in a fine of \$10.00 per day until the cart is removed. At other times, carts will be stored by the resident(s) where possible in locations not visible from the street or road on which the garbage is collected.  
(2) The city shall initially provide and bear the cost of the first cart for each single-family and two-family residence. In the event the cart is insufficient to contain the garbage for a residence, the resident shall bear the cost of placement of an additional cart at the residence. In the event a cart is lost, stolen or abused, the resident shall bear the cost of placement of another cart at the residence.  
(3) In the event the cart is not used for a period of three weeks, then the cart shall be removed from the residence. The resident shall bear the cost of placement of another cart at the residence.  
(4) Persons having physical handicaps which prevent them from placing carts at curbsides shall be exempted from the requirement to place the cart at the curbside. Such persons shall provide to the city a written statement from a physician which validates the existence of such a handicap and shall include their physical address. The other requirements for collection and disposal of garbage contained within this Code will nonetheless apply to persons exempted under this subsection.
- (d) Persons required to maintain refuse receptacles and collection containers under this chapter shall maintain the containers in a sanitary condition, tightly covered at all times other than filling, emptying and cleaning, and free from odor. Refuse receptacles shall be filled in such a manner as to allow pickup by one person. Refuse receptacles and collection containers shall be further maintained so as to prevent the overflow and scattering of trash, garbage, refuse, other solid waste, or water/rainwater.
- (e) All apartment buildings or structures containing in excess of six dwelling units per parcel are required to use hoist type dumpsters or containers that are compatible for loading by mechanical means by garbage and solid waste collection vehicles maintained by the city for the accumulation of garbage by such building or structure residents. Dumpsters shall be required to be placed on a concrete pad constructed in accordance with the city engineer's specifications. For buildings or structures containing more than one but not more than six dwelling units per parcel, each occupied dwelling unit, household or apartment shall provide, at the customer's expense, at least one container and shall provide additional containers as required by the director or his/her representative. The

director or his/her representative shall approve the placement, total quantity, and sufficiency of collection containers necessary to adequately serve the establishment. Service to such establishments will be provided by a schedule which is maintained and provided by the sanitation superintendent.

**Sec. 66-92. – Commercial establishments.**

- (a) Garbage and solid waste at commercial establishments within the city shall be collected only by departments and employees of the city, or pursuant to a contract or franchise issued by the city. Removal by persons for hire or compensation is prohibited.
- (b) Collection frequency for businesses and commercial enterprises with collection containers shall be established by the user upon application of service. Collection frequency may be amended upon request by the user or as deemed necessary by the director or his/her designated representative to prevent spillage or overflow. In such cases where it is determined by the city that amendments to the collection frequency is necessary the user shall be notified in writing regarding such changes.
- (c) The director or his/her representative shall approve the placement, total quantity, and sufficiency of collection containers necessary to adequately serve the establishment. Sufficiency shall be determined at the discretion of the director or his/her representative.
- (d) All commercial buildings or structures containing in excess of four business units per parcel are required to use hoist type dumpsters or containers that are compatible for loading by mechanical means by garbage and solid waste collection vehicles maintained by the city for the accumulation of garbage by such building or structure tenants. Dumpsters shall be required to be placed on a concrete pad constructed in accordance with the city engineer's specifications. For commercial buildings or structures containing more than one but not more than four units, each unit shall provide, at the customer's expense, at least one container and shall provide additional containers as required by the director or his/her representative. The director or his/her representative shall approve the placement, total quantity, and sufficiency of refuse receptacles or collection containers necessary to adequately serve the establishment.
- (e) Persons required to maintain refuse receptacles and collection containers under this chapter shall maintain the containers in a sanitary condition, tightly covered at all times other than filling, emptying and cleaning, and free from odor. Refuse receptacles shall be filled in such a manner as to allow pickup by one person. Refuse receptacles and collection containers shall be further maintained so as to prevent the overflow and scattering of trash, garbage, refuse, other solid waste, or water/rainwater.
- (f) Service to commercial establishments will be provided by a schedule which is provided by the sanitation superintendent.

**Sec. 66-93. – Industrial waste.**

Industrial waste shall be collected, removed and disposed of by any factory, plant or enterprise creating or causing such waste.

**Sec. 66-94. – Hazardous waste.**

No hazardous waste shall be placed in any receptacle used for collection of refuse by the city. All hazardous waste shall be collected, removed, and disposed of by the person or entity creating or causing such waste.

**Sec. 66-95. – Dead animals.**

Small dead animals will be collected by the city during operating hours of the city/county transfer station, provided the body is appropriately wrapped and isolated in an area readily accessible to the collector. Owners of large dead animals shall be responsible for their removal and disposal.

**Sec. 66-96. – Building materials.**

The city shall not be responsible for the collecting preliminary to, during or subsequent to the construction of a new building, alteration or additions to an existing building or of any kind of construction of any and all refuse, trash, debris resulting therefrom as well as from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor.

**Sec. 66-97 --- 66-110. – Reserved.**

**Article VI. – SPECIAL SOLID WASTE DISPOSAL**

**Sec. 66-111. – Contagious disease solid waste.**

The removal of clothing, bedding or other solid waste from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the county health department. Such solid waste shall not be placed in receptacles or bulk container for the city collection until decontaminated.

**Sec. 66-112. – Hypodermic instruments.**

No person shall dispose of or discard any hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of re-use, such hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by securely placing in plastic container with a sealed lid so as to avoid the possibility of causing injury to the collection personnel or general public.

**Sec. 66-113. – Cardboard boxes, cartons and tires.**

All cardboard boxes, cartons and tires are to be disposed of at designated recycling centers. The person disposing of any such boxes or cartons shall collapse all cardboard boxes and cartons.

**Sec. 66-114--- 66-130. – Reserved.**

**Article VII. – DISPOSAL SITES**

**Sec. 66-131. – Use authorized; regulations.**

All domestic and other acceptable refuse shall be delivered and deposited at authorized public disposal sites in accordance with the directions and orders of the director or his representative in charge of operations, except, however, privately operated sites may be used for the sanitary disposal of industrial wastes or other specified waste upon the approval of the director and upon the issuance of appropriated disposal permits, as required by the regulations of the Georgia Department of Natural Resources, and/or the Federal Environmental Protection Agency. The director or his representative shall be authorized to promulgate appropriate regulations requiring disposal site users to classify and separate deposits.

**Sec. 66-132. – Designation of sites.**

- (a) Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location of the city/county sanitary landfill or transfer/hauling station.
- (b) Such sites shall be maintained in use until permanently closed, at which time additional authorized sites shall be opened and publicized by posting and through public advertisement.
- (c) The mayor and city council may restrict certain sites or portions thereof to a specific type or types of refuse.
- (d) Commercial collectors, including yard maintenance men, may use the public designated sites.
- (e) Residents of the city, other than commercial collectors, may use public sites, in accordance with the regulations for the particular site the instruction of the site attendant.

**Sec. 66-133. – Operating schedule.**

Authorized public disposal sites shall be operated on a schedule as established by the landfill superintendent during the hours designated, acceptable refuse generated in the city shall be received for disposal from any resident of the city.

**Sec. 66-134. – When use authorized; ownership of waste.**

No person shall enter a disposal site except when an attendant is present and during the hours and days prescribed in this article. Only residents of or businesses with locations in the city or Bulloch County shall be allowed to use or dispose of waste at the disposal sites, and only waste generated within the city or county will be accepted.

**Sec. 66-135. – Classification of waste for disposal.**

- (a) Domestic refuse. The following types of waste shall be classed as “domestic refuse” and shall be accepted for disposal:
  - (1) Household garbage.
  - (2) Business/office waste.
  - (3) Yard trash.
- (b) Industrial waste.
  - (1) The following types of wastes shall be classed as “industrial waste” and shall not be accepted for disposal.
    - a. Industrial waste.
    - b. Hazardous waste.

- (2) Industrial waste may be disposed at the city/county landfill or transfer/hauling station according to regulations. For information of these regulations you may call the landfill operator at 764-5279.
- (c) Building materials may be accepted for disposal upon such terms and conditions as may be determined by the city and county.
- (d) Materials for recycling shall be separated for storage at each disposal site.

**Sec. 66-136. – Permit required for private sites.**

It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any refuse without first having obtained a disposal area permit as required by any regulation of the Georgia Department of Natural Resources, the Federal Environmental Protection Agency and the city.

**Sec. 66-137. – General maintenance.**

It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or menace to public health.

**Sec. 66-138. – Right to enter to inspect.**

The landfill superintendent or his designee shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this article and all other pertinent laws and regulations of the city.

**Sec. 66-139. – Disposal locations.**

- (a) No person shall dispose of garbage, trash, or other acceptable solid waste at any location within the limits of the city except in authorized containers for collection by city departments or its contractual assigns in the city/county landfill or transfer/hauling station. Only residents of or businesses with locations in the city or Bulloch County shall be allowed to use or dispose of waste at the disposal sites, and only waste generated within the city or county will be accepted.
- (b) It shall be unlawful for any person to throw or cast any garbage or solid waste, rubbish, trash, filth or litter of any nature into the streets, sidewalks, lanes, squares or thoroughfares of the city.
- (c) It shall be unlawful for any person to throw, sweep, cast or otherwise put or place any straw, paper, can, bottles, broken glass, decaying vegetables or fruit or other decaying vegetation, rubbish, garbage or solid waste on any vacant lot within the limits of the city.
- (d) It shall be unlawful for any person owning or occupying any lot, tract or parcel of land or premises within the city to permit the growth thereon of weeds or noxious vegetation to such extent that such vegetation constitutes a public health, safety or welfare concern.

**Sec. 66-140. – Fees.**

For the purposes of this chapter, the principal occupant or head of household in physical possession of a residence through ownership or lease shall be responsible for payment of the fee. If an account of service exists with the city, the fee shall be added to and denominated



separately on monthly account statements.

**Sec. 66-141. – Fire hazards prohibited.**

- (a) It shall be unlawful to place ashes within any building in any box, barrel or other wooden vessel or upon any wooden vessel or floor.
- (b) It shall be unlawful to keep, maintain or permit to be kept on any premises within the city oily waste or oily rags unless, at all times when not actually in use, such oily waste and rags are kept in a metal can or container with a self-closing cover and riveted joints, standing on metal legs which raise the bottom of the container at least four inches above the floor.
- (c) All owners or occupants of buildings are required to permit the chief or commander of the fire department or his designated agent to inspect or to have inspected their building or premises to determine compliance with subsections (a) and (b) of this section.

**Sec. 66-142. – Transportation of trash, garbage or refuse.**

- (a) All persons hauling or transporting trash, garbage, refuse or other debris to the city landfill or hauling station shall transport same in such a way as to prevent trash, leaves, limbs, paper, garbage, refuse or other debris from falling from a vehicle transporting the same or from blowing off of the vehicle so as to fall in the public streets of the city or in the ditches or yards adjacent to such streets. Vehicles transporting such materials shall have suitable covers, such as a tarp, securely fastened to the vehicle.
- (b) Such material being transported to the city landfill or hauling site shall be packed in the vehicle transporting it so that it will not fall off or blow out and shall have suitable covers securely fastened to the vehicle so as to prevent littering of the streets and yards of the city. It shall be unlawful and in violation of this chapter for such material to fall off or blow out of any vehicle during transportation.
- (c) This section shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock.

Section 2. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 3. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: June 19, 2012

Second Reading: July 3, 2012

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: \_\_\_\_\_  
Joe R. Brannen, Mayor

\_\_\_\_\_  
Attest: Sue Starling, City Clerk

Resolution 2012-15: A RESOLUTION ACCEPTING RIGHT OF WAY OF GESMON NEVILLE LANE AS A PUBLIC STREET TO BE OWNED AND MAINTAINED BY THE CITY OF STATESBORO, GEORGIA.

WHEREAS, Grace Crossing, L.P. is the owner of one street segment known as Gesmon Neville Lane, and wishes to convey said street to the City of Statesboro; and

WHEREAS, with the planned growth of the surrounding area, the City believes it is in the best interest of the public for those roads to be public streets, owned and maintained by the City;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2012, as follows:

Section 1. That Gesmon Neville Lane is hereby formally **accepted** by dedication to the City of Statesboro as a public street and rights of way to be owned and **maintained** by the City of Statesboro.

Section 2. That this Resolution authorize and direct the **Mayor** of the City of Statesboro, Georgia to accept the dedication of the following described property by **virtue** of a right of way deed.

Section 3. All of that certain tract or parcel of land situate, **lying** and being in the 1209<sup>th</sup> G. M. District of Bulloch County, Georgia, and in the City of Statesboro, **being** that certain 60' right-of-way of Gesmon Neville Lane, containing 1.303 acres, more or less, as more **particularly** shown as Tract 2 on a plat prepared by Carl Morrison, Georgia Registered Land Surveyor, dated **August 24, 2011**, and recorded in Plat Book 64, Page 705, Bulloch County records.

The above referenced plat and the description **thereon** are by reference incorporated herein for all purposes of this description.

Section 4. That this Resolution shall be and remain in full **force** and effect from and after its date of adoption.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF STATESBORO, GEORGIA.

By: \_\_\_\_\_  
Joe Brannen, Mayor

Attest: \_\_\_\_\_  
Sue Starling, City Clerk

### Request for Street Dedication

The undersigned owner(s)/developer(s)/authorized agent(s) requests to dedicate to the City of Statesboro the STREET described below:

Street Name: *GESMON NEVILLE LANE*  
Starting at Point: *INTERSECTION WITH WEST JONES AVENUE*  
Ending at Point: *PAST THE ENTRANCE TO GRACE CROSSING APARTMENTS*  
Length (in feet): *850.99*  
Width of Right-of-Way (in feet): *60*  
Name of Subdivision: *BETHANY*  
Plat Book Number and Page Number (for final subdivision plat): *BK 64 P 705*

I fully understand and agree that the street described above becomes a City maintained street only after the City approves my dedication request and declares to accept it as part of the City street system.

*James W. Brd.*  
Owner/Developer/Authorized Agent

*5-30-12*  
Date



After recording please return to:  
City of Statesboro, Georgia  
Post Office Box 348  
50 East Main Street  
Statesboro, Georgia 30458

**State of Georgia**

**County of Bulloch**

**Right-of-Way Deed**

**THIS INDENTURE**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 between GRACE CROSSING, L.P., a Georgia limited partnership, as party of the first part, hereinafter called Grantor, and THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA, as party of the second part, hereinafter called Grantee, the words "Grantor" and "Grantee" to include their respective heirs, and assigns where the context requires or permits;

**WITNESSETH** that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good consideration shown, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed, dedicated, and confirmed, and by these presents does grant, bargain, sell alien, convey, dedicate, and confirm unto the said Grantee, all of the following described property, to wit:

**SEE ATTACHED EXHIBIT "A", WHICH IS MADE A PART HEREOF BY THIS REFERENCE**

**TO HAVE AND TO HOLD** the said tract or parcel of land with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any way appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.

**AND THE SAID** Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

GRACE CROSSING, L.P.

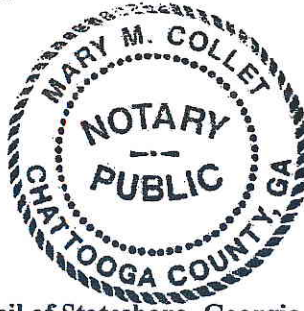
By: Braden Statesboro, LLC,  
Its sole General Partner

By: Jerry Braden  
Jerry Braden, Manager

Signed, Sealed, and Delivered in the presence of:

Alexandra Brader  
Witness

Mary M. Collet  
Notary Public  
My commission expires: \_\_\_\_\_



NOTARY PUBLIC, CHATTOOGA COUNTY, GEORGIA  
MY COMMISSION EXPIRES FEBRUARY 28, 2014

NOTARY PUBLIC, CHATTOOGA COUNTY, GEORGIA  
MY COMMISSION EXPIRES FEBRUARY 28, 2014  
Accepted by Grantee: Mayor and City Council of Statesboro, Georgia

By: \_\_\_\_\_  
Mr. Joe Brannen, Mayor

Attest: \_\_\_\_\_  
Mrs. Sue Starling, City Clerk

Signed, Sealed, and Delivered in the presence of:

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

## EXHIBIT "A"

### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the City of Statesboro, 1209 Georgia Militia District, Bulloch County, Georgia and described as follows:

Commence at the intersection of the West right of way of Harden Road (R/W = 50'), and the South right of way of West Jones Avenue (R/W = 60'), thence N 84°49'03"W along the South right of way of West Jones Avenue for a distance of 374.08 feet; to a concrete monument found, thence continuing along said right of way N 84°49'03"W for 262.54 feet to a 1/2" rebar with cap (1686) placed and the Point of Beginning; thence leaving said right of way S 04°58'19"W for 149.78 feet to a 1/2" rebar with cap (1686) placed and the beginning of a curve, whose chord is S 50°12'50" W for 184.70 feet; with a radius point which bears N 85°01'41" W for 130.04 feet; thence southwesterly along said curve, through a central angle of 90°30'00" for 205.40 feet; to a 1/2" rebar with cap (1686) placed; thence N 84°32'08" W for 122.60 feet; to a 1/2" rebar with cap (1686) placed and the beginning of a curve, whose chord is S 50°27'52" W for 169.71 feet; the radius point which bears S 05°27'52" W for 120.00 feet; thence southwesterly along said curve, through a central angle of 90°00'00" for 188.50 feet to a 1/2" rebar with cap (1686) placed; thence S 05°27'52" W for 279.18 feet to a 1/2" rebar w/cap (1686) placed, thence N 84°32'02" W for 60.00 feet, to a 1/2" rebar with cap (1686) placed, thence N 05°28'17" E for 279.18 feet to a 1/2" rebar with cap (1686) placed and the beginning of a curve, whose chord is N 50°27'52" E for 254.56 feet with a radius point which bears S 84°32'08" E for 180.00 feet; thence northeasterly along said curve, through a central angle of 90°00'00" for 282.74 feet to a 1/2" rebar with cap (1686); thence S 84°32'08"E for 122.60 feet to a 1/2" rebar with cap (1686) placed and the beginning of a curve, whose chord is N 50°12'38" E for 99.49 feet with a radius point which bears N 05°27'52" E for 70.04 feet, thence northeasterly along said curve, through a central angle of 90°30'24" for 110.64 feet to a 1/2" rebar with cap (1686) placed, thence N 04°58'19" E for 150.07 feet to a point on the South right of way of West Jones Avenue, thence S 84°49'03" E for 60.00 feet to a 1/2" rebar with cap (1686) placed and the Point of Beginning. Containing therein 1.303 Acres.

As shown as Tract 2 on that plat or survey recorded in Plat Book 64, Page 705 in the office of the Clerk of Superior Court of Bulloch County, Georgia.

# Memo

**To:** Frank Parker  
**From:** Van H. Collins  
**CC:** Wayne Johnson, Sue Starling, Jason Boyles, Darren Prather  
**Date:** June 26, 2012  
**Re:** Trucks to declare as surplus

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The Water/Sewer and Wastewater Departments have the following vehicles we would recommend to have surplus and be disposed of on gov.deal. These units have recently been replaced by newer units or are no longer needed.

## **Water/Sewer**

**1996 F-150 Extended Cab Truck Ser#1FTEX15NOTKA27784**

## **Wastewater**

**1997 F-150 Extended Cab Truck Ser#1FTDX1763VNC07036**



CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 6/18/12 NEW  RENEWAL

TYPE OF BUSINESS TO BE OPERATED:

- RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
- RETAIL BEER & WINE BY THE DRINK \$1,250.00
- BEER, WINE & LIQUOR BY DRINK \$3,750.00
- WHOLESALE LICENSE \$1,000.00
- APPLICATION FEE - PACKAGED SALES \$ 150.00
- APPLICATION FEE - POURING SALES \$ 150.00

APPLICANTS FULL NAME Van Gogh's Pizza Brewery, LLC

OWNERS NAME Christian Bennett

DBA (BUSINESS NAME) \_\_\_\_\_

CHECK THE TYPE OF ALCOHOL LICENSE YOU ARE APPLYING FOR:

RESTAURANT  SPORTS RESTAURANT  PRIVATE CLUB  PACKAGE

BUSINESS ADDRESS 120 Lanier Drive - 911 - changed to 125 GATA Drive

BUSINESS MAILING ADDRESS PO Box 508, Statesboro, 30459

BUSINESS TELEPHONE # 912-536-0551

APPLICANTS HOME ADDRESS \_\_\_\_\_

APPLICANTS HOME PHONE \_\_\_\_\_

APPLICANTS AGE \_\_\_\_\_

ARE YOU A CITIZEN OF THE UNITED STATES?  YES  NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING?  YES  NO

IF YES, WHEN AND WHY \_\_\_\_\_

IS THE APPLICANT THE OWNER OF THE BUSINESS?  YES  NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? \_\_\_\_\_

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 1

PLEASE LIST BELOW:

Christian Bennett \_\_\_\_\_



Gas The Natural Advantage

City of Statesboro  
Natural Gas Department  
P. O. Box 348  
Statesboro, Georgia 30459  
50 East Main Street  
Statesboro, Georgia 30458

(912) 764-0693  
Fax: (912) 764-0928  
e-mail: cityofstatesboroutilitiesdept@hotmail.com

## MEMO

June 26, 2012

To: Frank Parker

From: Steve Hotchkiss 

Re: Surplus equipment

The Natural Gas Department has two vehicles that it would like to declare surplus.

1. 1994 Top Kick cab and chassis.
2. 1997 Ford F 250

We would like for you to present these two items to Council and have them declared surplus so that they can be sold at auction. In my opinion these two units are old and have mechanical issues that render them of no further use to the City. Please include this item on the next available council session for approval.

If you have further question or need additional information please let me know.

## Municipal Court Prosecutor Ordinance

### ORDINANCE 2012-02

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF STATESBORO RELATING TO THE MUNICIPAL COURT; TO PROCLAIM THE EXISTENCE AND ESTABLISHMENT OF THE OFFICE OF PROSECUTING ATTORNEY OF THE MUNICIPAL COURT; TO OUTLINE THE DUTIES AND AUTHORITIES OF THE STAFF THEREIN AS EXPRESSLY ALLOWED BY THE CONSTITUTION AND LAWS OF THE STATE GEORGIA; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

#### SECTION ONE

Article 5 of the Charter of Municipal Code of the City of Statesboro is amended by adding Sections 5-12 through 5-20, which shall include the following language:

##### Sec. 5-12. Short Title.

Sections 5-12 through Sections 5-20 shall collectively be known as the “City of Statesboro Office of Prosecuting Attorney of the Municipal Court Ordinance.”

##### Sec. 5-13. Findings and Intent.

This ordinance is adopted to address requirements made under Georgia law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this ordinance or resolution and provide to the Prosecuting Attorneys’ Council of the State of Georgia a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within thirty (30) days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with Georgia law, particularly Article 5, of Chapter 18, of Title 15 of the Official Code of Georgia, Annotated, and to enact this Article.

##### Sec. 5-14. Establishment of Office.

The Office of Prosecuting Attorney of the Municipal Court is hereby established for the purpose of providing representation of the City of Statesboro in matters pertaining to

ordinance violations of the city and state offenses enforceable in the municipal court as allowed by Georgia law. The prosecuting attorney for the municipal court shall be a part-time position.

#### Sec. 5-15. Qualifications.

Any person appointed as the prosecuting attorney for the Municipal Court of the City of Statesboro shall be a member in good standing of the State Bar of Georgia and admitted to practice before the trial and appellate courts of this state. **Nothing** in this Article shall prevent the city from appointing the city attorney to be the prosecuting attorney for the municipal court, so long as all other requirements under the law are met.

#### Sec. 5-16. Oath.

The prosecuting attorney of the Municipal Court for the City of Statesboro shall take and subscribe to the following oath:

‘I swear (or affirm) that I will faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Statesboro.’

#### Sec. 5-17. Term of Office.

The prosecuting attorney for the Municipal Court shall serve a term of office of two (2) years.

#### Sec. 5-18. Jurisdiction, Duties, and Authority.

The Office of Prosecuting Attorney of the Municipal Court for the City of Statesboro shall have the duty and authority to represent the city as defined by the city charter and by state law, particularly as described in Official Code of Georgia, Section 15-18-96.

#### Sec. 5-19. Assistant Prosecuting Attorney.

The prosecuting attorney of the municipal court may appoint one or more assistant prosecuting attorneys whose appointment shall be ratified by the city council before becoming an assistant prosecuting attorney for the municipal court. Such assistant prosecuting attorney shall be a member in good standing of the State Bar of Georgia or satisfy the provisions of the Third Year Practice Act, found in the Official Code of Georgia, Section 15-18-22.

Sec. 5-20. Ratification.

This Article shall ratify all actions that have been taken by the persons acting in the positions of the Office of the Prosecuting Attorney for the Municipal Court to date as authorized by the Mayor and his Council.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2012

First Reading July 3, 2012  
Second Reading July 17, 2012

City of Statesboro, Georgia

\_\_\_\_\_  
Joe R. Brannen, Mayor

Attest:

\_\_\_\_\_  
Sue Starling, City Clerk

RESOLUTION TO AMEND THE DOWNTOWN STATESBORO INCENTIVE PROGRAM

WHEREAS, the Downtown Statesboro Incentive Program was established by the Statesboro Mayor and City Council on October 10, 2010 pursuant to Resolution 2010-63; and

WHEREAS, the Downtown Statesboro Incentive Program was amended by the Statesboro Mayor and City Council on July \_\_\_\_, 2011; and

WHEREAS, it is found that such incentives encourage investment and development in Downtown Statesboro and continue to aid the economic recovery of the Downtown Statesboro Incentive Program area; and

WHEREAS, portions of the Downtown Statesboro Incentive Program are set to expire on July 1, 2012; and

WHEREAS, it is the determination of the Mayor and City Council that certain sections of the Downtown Statesboro Incentive Program be amended to better serve the purposes of said program;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Statesboro, Georgia as follows:

1. That Section 1 of Phase 1 of Resolution 2011-25 shall be eliminated in its entirety and that said Section 1 of Phase 1 of Resolution 2011-25 be amended and replaced to read as follows:

Phase 1. Section 1. New businesses. (a) All new businesses which reside within the DSIP District, which begin operating on or after November 1, 2010 shall be entitled to the following incentives: (1) Waiver of business license and occupation taxes and fees incurred at the time of and the ninety (90) day period following the submission of the business license or occupational tax certification application to the City of Statesboro; (2) Waiver of building permit fees for renovation and construction in the DSIP District for the initial startup fees of the business up to the amount of \$1000.00, said building permit fee waiver not to include any fees associated with a LDPA fees; (3) Waiver of initial natural gas connection fees; and (4) Waiver of initial water and sewer tap fees required for the startup of the business. Said water and sewer tap fees shall not include the wavier of ATC impact fees.

2. That Phase III: Residential Structures be added to Resolution 2011-25 to read as follows:  
Residential Structures: The renovation, rehabilitation, or construction of residential structures within the DSIP District, for the purpose of residential use shall be entitled to

the following incentives: (1) waiver of building permit fees to the city of Statesboro, up to the amount of \$1,000, said waiver to not apply to any fees associated with a LDPA fees; (3) Waiver of initial natural gas connection fees; and (4) Waiver of initial water and sewer tap fees required for the startup of the business. Said water and sewer tap fees shall not include the wavier of ATC impact fees.

3. That Phase IV: Additional Incentives be added to Resolution 2011-25 to read as follows:  
To further aid in the economic recovery, redevelopment, and sustainability of the Downtown Statesboro Incentive District Area it is hereby declared that projects meeting the objectives and goals of the Statesboro Downtown Master Plan and the City of Statesboro Comprehensive Master Plan may, upon request of the applicant, be considered for additional incentives by the City of Statesboro Mayor and City Council. Said request shall be submitted, on a per project basis, for review to the Downtown Statesboro Development Authority and the City of Statesboro Department of Community Development for review and presentment of recommendation to the City of Statesboro Mayor and Council.

Adopted and Approved this 3rd day of July, 2012

CITY OF STATESBORO, GEORGIA

\_\_\_\_\_  
Mayor, Joe R. Brannen

Attest:

\_\_\_\_\_  
Sue Starling, City Clerk