

2025 CODE AMENDMENTS

Official Code of Cobb County PART I. – Chapter 102

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

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Chapter 102 SOLID WASTE, RECYCLING AND RESIDENTIAL COLLECTION

ARTICLE I. IN GENERAL

Section 102-1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-1. –Intent and purpose.

The county board of commissioners hereby declares the intent and purpose of this chapter to be such that a uniform and consistent procedure for regulating the storage, collection, transportation, processing, recycling, and disposal of solid waste and recovered materials of all kinds, in the unincorporated areas of the county, is established so as to:

- (1) Protect the public health, safety and welfare by preventing the dissemination of and providing for the ~~removal of inorganic refuse materials laden with bacterial elements~~ mandatory removal of residential solid waste materials laden with bacterial elements and contaminants detrimental to the general ~~well-being~~ wellbeing of the citizens and environment; and
- (2) To provide for the uniform prohibition throughout the county of ~~any and~~ all littering on public and private property and to curb thereby the desecration of this county's scenic beauty; and
- (3) To protect and enhance the quality of the water, air, soil, and overall environment by guarding against any of the degradations thereto which stem from the burial, deposition, burning, dumping, discard or disposal of litter and solid waste in this county.
- (4) It is the further purpose of this chapter to maintain within the county an orderly program for the collection, processing, recycling, transport, and disposal of residential municipal solid waste and recovered materials of all kinds, in order to promote the community welfare, convenience, health, and safety.

Section 102-3 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-3. –Title.

Articles I, II and III of this chapter shall be known collectively and may be cited as "The Solid Waste Recycling, and Residential Collection Ordinance of Cobb County, Georgia."

Section 102-4 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-4. –Applicability.

This chapter shall apply to the storage, collection, transportation, processing, recycling, and disposal of municipal solid waste and recovered materials in the unincorporated areas of Cobb County as presently or hereafter established. The provisions contained herein prescribe rules and regulations for solid waste and recovered materials collection; provide for the permitting, licensing and regulation of solid waste collection and transportation; prescribe rules and regulations for the transportation of solid waste within and through the county; and prohibit the deposition of litter within the unincorporated areas of the county.

Section 102-5 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-5. –Definitions.

- (a) Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them as follows except where the context clearly indicates a different meaning:

Words used in the singular shall include the plural and words used in the plural shall include the singular.

Words used in the present tense shall include the future tense.

Agricultural solid waste shall mean all organic waste products generated by farm production operations involving field crops, orchards or animals.

Aircraft shall mean any device used or designated for flight.

Asbestos-containing solid waste shall mean any solid waste containing more than one percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite and actinolite, using the method specified in ~~appendix A, subpart F, 40 CFR part 763, section 1.~~

Authorized recycling agent shall mean any person, organization or entity having verbal or written consent from the owner of recyclable material to separate or collect such materials from designated recovered material collection locations.

The board of commissioners shall mean the board of commissioners of Cobb County, Georgia.

Brush collection container shall mean a solid waste collection container for brush and related large vegetative material which is capable of being covered with a tarp or top during transportation of the brush.

~~*Bulky waste* shall mean solid waste with weights or volumes which exceed the designated capacity of solid waste storage or collection containers. Such waste includes but is not limited to tree limbs, mattresses and other large items.~~ means discarded items that are larger than three feet in any dimension, and/or heavier than 50 pounds in weight, and, therefore, too large to be collected in residential municipal solid waste storage containers or carts, including, but not limited to, items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, and other similar items.

Charitable recycling group shall mean a civic or nonprofit group engaged in the separation or collection of recovered material.

Cobb County or county shall mean Cobb County, a political subdivision of the State of Georgia.

Collect or collection means to remove residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste or construction or demolition waste recovered materials, for transport to a disposal facility or processing facility, or cause such to be removed.

Collection services means the collection from a residential service unit or from a commercial establishment and any other locations which generate residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste, or construction or demolition recovered materials including related transportation, transfer, processing and/or disposal.

Collection vehicle means every motorized device in, upon or by which any person or property is or may be transported or drawn for the purposes of performing collection services.

Commercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original, or copies of any matter or literature which advertise for sale any merchandise, product, commodity or thing, or direct attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

Commercial solid waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes. This term includes solid waste generated by premises having three or more residential dwelling units on a single premises such as apartment buildings, condominiums and mobile home courts. ~~This term does not include residential or industrial wastes.~~

Commercial solid waste container shall mean any solid waste storage or collection container used for the leakproof and spillproof storage, containment, conveyance or transportation of any commercial solid waste contained therein.

Compactor-type collection vehicle shall mean any truck or vehicle used in the collection, conveyance or transportation of solid waste which has a leakproof, spillproof, self-contained compacting mechanism.

Composting shall mean solid waste handling which consists of the controlled, biological decomposition of organic matter into a stable, odor-free humus.

Contract recovered material collection agent or contractor shall mean a person under contract with, and with direct authorization of, the board of commissioners to separate, collect or transport recovered material from designated recovered material collection locations.

Construction/demolition waste shall mean waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes but is not limited to asbestos-containing waste, wood, bricks, metal, concrete, wall board, paper cardboard, inert waste landfill material and other nonputrescible waste which has a low potential for groundwater contamination. Such waste is not normally water soluble nor hazardous in nature and does not include any municipal or agricultural solid waste.

Curbside collection refers to the collection of residential municipal solid waste and residential recovered materials from the designated residential collection location. Containers placed behind any structure such as a fence or wall or placed in a vault below the ground surface are not included in this definition and shall be excluded from curbside service.

Curbside recovered material storage container or curbside container shall mean a container, of less than 100 gallons' capacity, designed and constructed for the safe containment and placement for collection of recovered material from the curb or residential premises consisting of one or ~~two~~ more dwelling units.

Curbside recycling shall mean the placement of recovered materials in curbside containers at the designated recovered material collection location at residential premises consisting of one or ~~two~~ more dwelling units.

Dead animals shall mean solid waste consisting of animals that have died from any cause except those slaughtered for human consumption.

Director, department of Sustainability, Waste and Beautification shall mean the director of the Cobb County Department of Sustainability, Waste and Beautification, or his or her successors to these duties, by whatever title designated, or his or her designees, or successor department, by whatever title designated.

Designated recovered material collection location shall mean the location or locations where the owner of the recyclable material places such material for the purpose of material recovery and recycling, including curbside and recovered material storage containers.

Designated residential collection location means the location where the residential municipal solid waste storage container or cart, residential recovered materials storage container, and/or any yard trimmings, bulky waste, or white goods are placed within six feet of the curb, paved surface of the public road, closest accessible public right-of-way, or other such location agreed to by the residential service provider, that will provide safe and efficient accessibility to the residential service provider's collection crew and vehicle.

Disposal facility shall mean any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~*Division of solid waste* shall mean the Cobb County Department of Solid Waste, or successor department, by whatever title designated.~~

Duplex means a building designed exclusively for residential occupancy by two families.

Elective service means collection services offered by a residential service provider, commercial service provider, or C&D (collection and demolition) waste service provider for an additional charge which is arranged and billed by the service provider to the other responsible party.

Front-loading compacting equipment or *front-loader* shall mean a vehicle consisting of a container-lifting mechanism and storage body that loads from the front of the vehicle and compacts, transports and self-unloads material to the rear.

Garbage shall mean municipal solid waste, including putrescible waste, which attends the preparation, use, cooking, dealing, storage or distribution of animal or vegetable matter intended for human consumption, but excluding agricultural solid waste.

Hard-to-Recycle plastic collection program shall mean the collection of hard-to-recycle plastics along with curbside and/or drop-off recyclable material and diverts the hard-to-recycle plastic material from contaminating traditional mechanical recyclable material and landfills.

Hard-to-recycle plastic material shall mean post-consumer plastic that consists of any hard-to-recycle plastic content as deemed by traditional mechanical recyclable processing; this material typically consists of plastics #4 (LDPE), #5 (PP), and #6 (PS).

~~*Hazardous waste* shall mean any solid waste which has been defined as a hazardous waste either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11 any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 2004, codified as Appendix VIII to 40 C.F.R. Part 261--Identification and Listing of Hazardous Waste.~~

~~*Industrial solid waste* shall mean solid waste generated by manufacturing or industrial processes that is not a hazardous waste as defined either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in the regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11.~~ means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

~~*Institutional solid waste* shall mean a municipal solid waste generated by educational, health care and research facilities, including but not limited to schools, hospitals, nursing homes, laboratories and similar establishments~~ solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the "Georgia Hazardous Waste Management Act." Such waste includes, but is not limited to, waste resulting from

the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Knuckle-boom equipment shall mean a hydraulically or electronically operated mechanical device designed to lift objects to be collected, loaded and transported from the curb into the body mounted on the collecting vehicle.

Leachate collection system shall mean a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfills.

Landfill shall mean an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well or compost pile.

Litter means any discarded or abandoned: (A) Refuse, rubbish, junk or other waste material; or (B) Dead animals that are not subject to the provisions of O.C.G.A. § 4-5-4. organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., § 16-7-51, paragraph 6.

Litter receptacle shall mean a receptacle designed and constructed to receive, collect, store and contain litter in a convenient and spillproof manner.

Manager, department of solid waste shall mean the manager of the Cobb County Department of Solid Waste, or his or her successors to these duties, by whatever title designated, or his or her designees.

Materials recovery facility shall mean a solid waste handling facility that provides for the extraction from solid waste of recoverable material, material suitable for use as fuel or soil amendment, or any combination of such material.

Municipal solid waste shall mean any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds and day use recreation areas. The term includes yard trimmings, construction/demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility shall mean any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal solid waste landfill shall mean a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Newspaper shall mean any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulations, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

~~*Noncommercial handbill* shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, magazine, booklet or any other printed or otherwise reproduced~~

~~original, or copies of any matter or literature which are not commercial handbills or newspapers as defined herein.~~

Nuisance shall mean anything which:

- (1) Meets that definition of the term as defined by O.C.G.A. § 41-1-1 as now or hereafter amended; or
- (2) Occurs during or as a result of the handling or disposal of solid waste to the detriment of the public welfare in that it injures health, offends the senses, obstructs the reasonable and comfortable use of property, or causes inconvenience or discomfort to a community or neighborhood.

Offal waste shall mean waste animal matter (whether of land or marine origin), generated by the processing, preparation or packaging of food or animal matter at butcher shops, slaughterhouses, food processing or packaging plants or rendering or fertilizer plants.

Open-top collection container shall mean a unit whose body is both constructed with sides to confine bulk items collected and transported by the unit and capable of being covered either by a tarp or top.

Overage means the placement of residential municipal solid waste in the residential municipal solid waste storage container or cart such that materials extend beyond the container rim and the lid fails to fully close.

Owner of recovered material shall mean the generator of recovered material or its authorized agent, or the contractor, the recovered material collector, the private recycler, the person having possession of recovered material, or the person to whom the generator has transferred title to the recovered material. The owner shall have transferred title to the material at such time as the same is placed or deposited in any curbside storage container or recovered material collection container for the purpose of recycling.

Park shall mean a park, reservation, playground, beach, recreation center or any other public area in the county which is owned or used by the county and devoted to active or passive recreation.

Person shall mean the State of Georgia or any other state or any agency or institution thereof, any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term shall also include any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term shall also include employees, departments and agencies of the federal government.

Private industry solid waste disposal facility shall mean a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by the private solid waste generator.

~~*Private premises* shall mean~~ *property* shall mean any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or ~~temporarily or continuously uninhabited~~ vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

Private recycler shall mean an individual, corporation, partnership or other private person engaged in the business of handling recovered material, including but not limited to dealers, processors, brokers and consumers of recovered material.

Public health or safety hazard shall mean any operation or activity done by a solid waste collector or not done, but was required to be done by the solid waste collector by federal, state, or local law, which could result in physical damage or injury to the general public or their property.

Public place shall mean any and all streets, rights-of-way, boulevards, alleys or other public ways, and any and all public parks, squares, grounds, buildings, beaches, playgrounds or conservation or recreation areas.

Putrescible waste shall mean waste that is capable of being quickly decomposed by microorganisms at ambient temperature and conditions and usually associated with offensive odors and disease vectors. Examples include, but are not limited to, the following: kitchen waste, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and solid waste contaminated by such waste.

Quadraplex means a building designed exclusively for residential occupancy by four families.

Rear-loading compacting equipment or *rear-loader* shall mean the body and tailgate assembly of a rear-loading collection vehicle that loads, compacts, transports and unloads material at the rear of the vehicle. These assemblies may include mechanical devices used for lifting and receiving material from stationary storage containers.

Recovered material shall mean that material which has a known use, reuse, or recycling potential, "can be feasibly used, reused, repurposed or recycled," and has been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing. Such material, once recovered, is not solid waste.

Recovered material collection container shall mean ~~a bulk container, exceeding 100 gallons' capacity, which is exclusively designed, constructed and conveniently placed for the safe, spillproof containment and conveyance of recovered material.~~ This term includes but is not limited to bins, receptacles, drop-off boxes and containers used to collect recovered material from residential premises consisting of three or more dwelling units and all nonresidential areas those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered material collection vehicle shall mean a vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting or unloading recovered materials or recovered material collection containers. This term includes but is not limited to, roll-off, side-loading, rear-loading, or open-top containers, trucks or other similar vehicles while engaged solely in the collection of recovered material.

Recovered material collector shall mean a person engaged exclusively in the business of separating, collecting or transporting recovered material, with or without compensation, from residential, business, industrial, commercial, institutional or other similar premises, including persons under contract or agreement with the owner or generator of solid waste or recovered material for collection.

Recovered material storage container shall mean any bulk container, exceeding 100 gallons' capacity, designed, constructed and labeled for the containment and placement of recovered material for collection.

Recovered material handling shall mean the separation, collection, storage, processing, consumption, transportation or reuse or resale of recovered material.

Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials; ~~however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to solid waste. This term specifically excluded any solid waste handling facility as is defined herein.~~ The term "recovered materials processing facility" shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recyclable material shall mean any material which has a known use or reuse and can be feasibly used, reused, or is capable of being reused or returned to use in the form of a raw material or product. Such

recyclable material shall have been diverted or removed from the solid waste stream prior to collection of the same.

Recycling shall mean any process by which ~~recyclable~~ material which would otherwise become solid waste is collected, separated or processed and reused or returned to use in the form of raw materials ~~or products intermediates, or products which can be used as a substitute for products not derived by such processes.~~

Residential municipal solid waste shall mean ~~all municipal solid waste originating in residential premises consisting of one or two dwelling units. This term does not include solid waste originating in residential premises consisting of three or more dwelling units which share the use of a solid waste storage container~~ solid waste generated at a residential service unit, and shall include white goods, bulky waste, and recovered materials.

Residential municipal solid waste collection services means the collection, processing and disposal of residential municipal solid waste by a residential service provider, in accordance with this chapter.

Residential municipal solid waste storage container or cart means a leakproof container with attached lid and wheels that will allow the manual, automated or semi-automated collection of residential municipal solid waste, meeting the specifications established by the county.

Residential recovered materials means recovered materials generated at a residential service unit.

Residential recovered materials collection service means the collection and processing of residential recovered materials in a single stream.

Residential recovered materials storage container means a container that will allow collection of residential recovered materials meeting specifications established by the county. *Residential service fee* means the fee assessed by the service provider on each residential service unit for the collection, transportation, processing and/or disposal of residential municipal solid waste, residential recovered materials, bulky waste, and/or white goods.

Residential service provider means a person or entity who holds a current solid waste disposal permit issued by the County, allowing them to perform the physical process of collecting, transporting, processing and disposing of the residential municipal solid waste, residential recovered materials, white goods, bulky waste and/or yard trimmings within unincorporated Cobb County.

Residential service unit means each unit or units within the following categories: single-family dwellings; duplexes or two-unit multifamily dwellings; triplexes or three-unit multifamily dwellings; quadraplexes or four unit attached multifamily dwellings; and mobile homes.

Residential service unit owner means any person, firm, corporation or other entity owning a residential premises in unincorporated Cobb County.

Residential solid waste collection and disposal means the performance of all requirements within the chapter and applicable laws related to residential municipal solid waste, residential recovered materials, yard trimmings, bulky waste, and white goods, as well as incidental administrative tasks related to the performance of those requirements.

Roll-off shall mean a vehicle equipped with hoist arms, hook, frame cable and/or chain which is used to elevate, support, transport and unload solid waste collection containers or contained material.

Scout shall mean a vehicle with the maximum capacity of eight cubic yards or 216 cubic feet. The "box" of the truck may be configured in any manner so as not to exceed eight cubic yards provided that the dimensions thereof comply with all state and local laws. The scout shall be used to collect solid waste in areas not easily accessible to compactor-type trucks. After collection by a scout vehicle, the solid waste shall be hydraulically or manually emptied into a compactor truck. The scout shall not make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when traveling to or from the compactor truck.

Side-loading compacting equipment or *side-loader* shall mean the body and compaction assembly of a collection vehicle which loads at the side and unloads at the rear thereof.

Single-family dwelling means a building designed exclusively for residential occupancy by one family.

Solid waste shall mean ~~discarded putrescible and nonputrescible wastes, except water-carried body waste and recovered material, and shall include garbage; rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery or dunnage; ashes; street refuse; dead animals; sewage sludges; animal manures; industrial waste such as waste material generated by industrial operations; residue from solid waste thermal treatment technology; food processing waste; demolition waste; abandoned automobiles; dredging waste; construction waste; and other waste material in a solid or semisolid or liquid state not otherwise defined herein or by O.C.G.A. § 12-8-20 et seq. Such term shall not include any material which is regulated pursuant to the Georgia Water Quality Control Act, O.C.G.A. article 2 of chapter 5 of title 12, or the Georgia Air Quality Control Act of 1978, O.C.G.A. chapter 9 of title 12~~ any garbage or refuse; sludge from a waste-water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, 42 U.S.C.A. § 2011 et seq. as amended.

Solid waste collection container shall mean a bulk container, exceeding 100 gallons' capacity, which is designed and constructed for the containment and/or conveyance without spillage of any solid waste contained therein.

Solid waste collection vehicle shall mean any vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting and/or unloading solid waste collection containers. This term includes solid waste transfer trailers, front-loaders, roll-offs, side-loaders, rear-loaders, open-top containers, brush-loaders and knuckle-boom equipment during such time as these vehicles are engaged in the handling or transportation of solid waste.

Solid waste collector or *collector* shall mean a person permitted by Cobb County to engage in the business of the collection or transportation of solid waste, but excluding a person who collects or transports solid waste from his, her or its own dwelling or residence.

Solid waste handling shall mean the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination of such activities.

Solid waste ~~handling~~ disposal facility shall mean any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing or disposal or any combination thereof, of solid waste.

Solid waste storage container shall mean any container designed and constructed for the leakproof and spillproof storage of solid waste, and provided by or to the generator for the containment and placement of solid waste for collection. This term shall include residential metal or plastic containers and plastic bags.

Solid waste thermal treatment technology shall mean any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste energy.

Transfer station shall mean a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Triplex means a building designed exclusively for residential occupancy by three families.

Unauthorized collection of recovered material shall mean the removal of recovered material without permission of the owner, its authorized agent or the Cobb County Board of Commissioners.

Vehicle shall mean any engine-powered, mobile device in, upon, or by which any person or property is or may be transported or drawn upon a highway, road, rail or track.

Waste-to-energy shall mean a process of combustion through which occurs the extraction and utilization of energy from municipal solid waste.

Waste-to-energy facility shall mean a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through the process of combustion.

~~*White goods waste* shall mean solid waste consisting of discarded or abandoned large appliances, including refrigerators, freezers, stoves, ranges, water heaters and similar domestic or commercial large appliances. This term does not include material which is recovered material which is described as herein.~~ means household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large appliances, which do not contain polychlorinated biphenyl (PCB) or chlorofluorocarbon (CFC) units and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

Yard trimmings or *yard trash* shall mean leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

...

State law reference(s)—~~Similar provisions,~~ O.C.G.A. § 12-8-220, et. seq; O.C.G.A. § 16-7-42; O.C.G.A. § 41-1-1;

Section 102-9 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-9. –Individual disposal.

The foregoing provisions of this article do not restrict or prohibit the disposal of solid waste by any individual or entity from his, her or its own dwelling when done so ~~as not to create a nuisance or a menace to health~~ at a permitted disposal facility; however, no individual is exempt from the provisions of this article.

State law reference -- O.C.G.A. § 12-8-30.10.

Section 102-10 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-10. –Individual placement and disposal of yard trimmings.

- (a) Effective September 1, 1996, it shall be unlawful to place or mix yard trimmings with municipal solid waste within unincorporated Cobb County.
- (b) Yard trimmings shall not be disposed of at any municipal solid waste disposal facility with liners or leachate collection systems or any municipal solid waste landfills ~~which have received a vertical expansion under~~ except in compliance with O.C.G.A. § 12-8-40.2, as amended.
- (c) Yard trimmings, if not collected, shall be disposed of in the following manners:
 - (1) Sorted and stockpiled;
 - (2) Chipped;
 - (3) Composted;
 - (4) Used as mulch;

- (5) By otherwise beneficially reusing or recycling it to the maximum extent feasible; or
- (6) At certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.
- (d) Persons violating the provisions of paragraphs (a) and (b) of this section shall be subjected to the penalties outlined in section 102-14 of this chapter.
- (e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, individuals may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.

Section 102-11 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-11. –Disposal at approved sites only.

No person shall dispose of any solid waste within the county at any premises other than ~~their private residence or at the sanitary landfill site or sites as shall be designated and approved by the board of commissioners.~~ through their residential service provider or at a permitted disposal facility.

Section 102-12 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-12. – Enforcement.

Unless otherwise specially provided by resolution of the county board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the ~~solid waste division manager~~ sustainability, waste and beautification director or his or her designees ~~or employees of the county and the stormwater division manager or his or her designees or employees of the county.~~ The enforcement personnel shall have such powers as are reasonably necessary to enforce and give effect to this chapter.

Section 102-14 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-14. –Violations and penalties.

- (a) Any person who violates any section or provision of this chapter shall, after trial and conviction upon a citation issued to the magistrate court of the county, be guilty of a misdemeanor and shall also be fined in an amount not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for each such violation. If any person is found to be guilty of more than one violation of this chapter in any 12-month period, the following fines are established:
 - (1) The amount of the original fine plus \$200.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the second violation of this chapter in any 12-month period.
 - (2) The amount of the original fine plus \$650.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the third violation of this chapter in any 12-month period.
 - (3) \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the fourth and each successive violation of this chapter in any 12-month period.
- (b) The governing authority may establish by separate resolution the specific administrative penalties for the violation of any provision of this chapter.
- (c) Any person, solid waste handler, collector or permit holder who violates any provision of this chapter shall, in addition to the penalties specified herein, be subject to the procedures specified in section 102-59 of this chapter.

- (d) All violations, penalties and/or remedies specified in this chapter are cumulative. Pursuance of any one violation, penalty or remedy shall not be deemed an election of remedies and shall not prohibit the simultaneous pursuit of any other applicable violation, penalty or remedy.

State law reference: O.C.G.A. § 15-10-63.

Section 102-16 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-16. –Change of address.

Any solid waste collector, handler or permit holder who changes address or location shall notify the ~~manager~~ head of the ~~solid-waste sustainability, waste and beautification~~ department in writing of such change and of the new address and address location no later than the date of such change.

ARTICLE II. SOLID WASTE COLLECTION

Section 102-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-51. –Compliance with this article required.

No person shall engage in the collection or transportation of solid waste or recovered materials in the unincorporated areas of the county as presently or hereafter established without having first complied with the provisions of this ~~article~~ chapter and all applicable state and federal regulations.

Section 102-52 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-52. –Grant or privilege.

Any permit issued pursuant to the provisions of this article for the collection of solid waste shall be a mere grant or privilege to carry on business during the term of such permit subject to all terms and conditions imposed by this ~~article~~ chapter and related laws, applicable provisions of this Code, and other ordinances and resolutions of the county relating to such business.

Section 102-53 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-53. –Commercial waste collection ~~P~~permit and registration required –Generally.

- (a) In addition to a business license or any other permit required by the county, all persons now or hereafter engaged in the primary business of the collection or transportation of solid waste in the unincorporated areas of the county shall annually apply for a solid waste permit to operate such business. The application shall be filed with the business license office, and neither a business license nor a solid waste permit shall be issued by the business license office until the ~~solid-waste sustainability, waste and beautification~~ department shall have approved the solid waste permit application in writing.
- (b) No person shall engage in the primary business of the collection or transportation of solid waste office until a permit for the same has been issued by the business license office after approval of the solid waste permit application by the ~~solid-waste sustainability, waste and beautification~~ department as provided for in subsection (a) hereinabove.

- (c) All persons required by this article to obtain a solid waste permit shall submit an application for said permit concurrently with the application submitted for a business license. The fees required for a solid waste permit shall be paid in full by each applicant upon issuance of the solid waste permit as required by section 102-54 herein. Each such permit shall expire one year subsequent to the issuance date of the original permit, at which time the permit holder must submit a new application for a solid waste permit.
- (d) Any failure to comply with the requirements of this provision shall constitute a violation of this chapter pursuant to section 102-14.

Section 102-54 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-54. –Permit fee schedule.

A permit fee shall be paid to the business license office [for] the issuance of a solid waste permit as required by this article and shall be as set forth in the solid waste permit fee schedule as approved and adopted by the board of commissioners. A fee schedule shall be on file and available from the clerk of the board of commissioners and the ~~solid waste~~ sustainability, waste and beautification department.

Section 102-55 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-55. –Commercial waste collection application for permit.

- (a) No solid waste permit shall be issued or renewed except upon a written application available from the ~~solid waste~~ sustainability, waste and beautification department in a form specified by the county and setting forth such facts as the county may deem appropriate, including but not limited to the following information:
 - (1) If the applicant is an individual, partnership or proprietorship, the names and addresses of all persons, partners and owners (including corporations) and their respective percentages of ownership in the prospective collector's business in the county; and
 - (2) If the applicant is a corporation, the name and addresses of the officers and directors thereof; and
 - (3) Whether each driver of a motor vehicle employed by applicant possesses a valid Georgia drivers license, and whether this license is of the appropriate class and type to permit such driver to operate the vehicle which has been employed by applicant to operate; and
 - (4) A current certificate or certificates of insurance as evidence of compliance with the insurance requirements specified in this article; and
 - (5) The contact person employed by applicant for customer service; and
 - (6) A verified statement that the applicant, if a corporation, is in good standing in the State of Georgia, and that the applicant, if a corporation organized under the laws of any other state, is licensed to do business in the State of Georgia.
- (b) All applications or renewal applications and the information or documentation submitted in connection therewith shall be open to the public inspection to the extent required by the Georgia Open Records Law, O.C.G.A. § 50-18-70 et seq., and shall be kept on file a reasonable length of time at the discretion of the ~~solid waste~~ sustainability, waste and beautification department.
- (c) Incomplete applications will be held for 30 days and if still incomplete at that time will be denied. Any solid waste collector who collects or transports solid waste without a valid solid waste permit or having been denied a solid waste permit will be in direct violation of the county solid waste ordinance and subject to penalties as specified in section 102-14.

Section 102-56 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-56. –Denial of application for issuance of solid waste permit for commercial waste collection.

- (a) An application for a solid waste permit submitted pursuant to this article may be granted or denied by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his or her designee. Application may be denied only for due cause as defined by subsection (b) herein. If the application is denied by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his or her designee the applicant may appeal such denial in accordance with section 102-60 of this article to the board of commissioners by filing a written certified appeal with the clerk of the board of commissioners and with the director of the ~~water system~~ public services agency. A hearing shall then be set before the board of commissioners and prior written certified notice of such hearing shall be sent to the applicant. This notice shall state the time, place and purpose of such hearing and the reasons for denial of the application. Three business days' written notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board of commissioners may deem justified by the circumstances. Unless the circumstances otherwise justify, the hearing shall be held within 30 days after the appeal is filed with the clerk of the board of commissioners and the director of the ~~water system~~ public services agency.
- (b) An application for a solid waste permit submitted pursuant to this article may be denied only if one of more of the following circumstances exist:
- (1) The applicant has failed to obtain any paper or document necessary to pursue its business as required or as may be required by any officer, official, agency or department of the county, state or the United States under authority of any law, ordinance or resolution of the county, state or United States.
 - (2) The applicant has supplied false information to the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee.
 - (3) The applicant has failed to pay any permit fee, fees, penalty or interest required under this article or has otherwise failed to comply with any of the provisions contained in this chapter.
 - (4) The applicant, during the 12-month period preceding the filing of the solid waste application, has engaged in any deceptive business practices as are hereinafter defined in section 102-59 of this article.
 - (5) The applicant has failed to meet any of the procedural, legal or technical requirements hereinafter enumerated in this article, including but not limited to insurance and equipment requirements.
 - (6) An applicant has previously declared bankruptcy under one name and subsequently attempts to procure a solid waste collection permit in a new or different name.
- (c) No application for a solid waste permit submitted hereunder shall be accepted, processed or approved if the applicant has submitted the same or a similar application for a solid waste permit within the preceding 12-month period and such application has been dismissed, denied or abandoned. No permit shall be granted if the applicant is presently or has been within the 12 months preceding submission of the application in violation of any provision of this article or any other article of this chapter or any other law or ordinance regulating the activities for which such permit is sought.

Section 102-57 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-57. –Transferability of permit for commercial waste collection.

No solid waste permit issued pursuant to this chapter shall be transferable or assignable.

Section 102-58 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-58. – Revocation and suspension of solid waste permit for commercial waste collection – Authorized.

- (a) Subject to the provisions of section 102-59 herein, a solid waste permit may be temporarily suspended for cause by the ~~division manager of solid waste~~ head of the sustainability, waste and beautification department or his/her designee for up to 30 days.
- (b) For violations of section 102-71 only, a solid waste permit may be temporarily suspended by the ~~division manager of solid waste~~ head of the sustainability, waste and beautification department or his/her designee, the community development agency director, or the director of public safety for up to 30 days.
- (c) Only the board of commissioners may suspend a solid waste permit for more than 30 days or permanently revoke any solid waste permit issued pursuant to this article.

Section 102-59 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-59. – Same—Procedure; notice; hearing required; "due cause" prerequisite for commercial waste collection.

- (a) No solid waste permit which has been issued or which may hereafter ~~be~~ be issued by the county to any person shall be suspended or revoked, except for due cause as hereinafter defined. The ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee may temporarily suspend for up to 30 days a solid waste permit when grounds of "due cause" exist or are reasonably believed to exist by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee subject to subsection (e) upon three days' written certified notice of the grounds. Temporary suspension by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee shall not require a hearing prior to the suspension.
- (b) The permit holder may either work with the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee to correct the problem or may appeal the temporary suspension to the board of commissioners.
 - (1) If the violation for which the 30-day temporary suspension has been issued is not a public health or safety hazard as herein defined, the permit holder will be allowed to continue operating while attempting to correct the violation.
 - (2) If the violation for which the 30-day temporary suspension has been issued is a public health or safety hazard as herein defined, the permit holder will not be allowed to continue operating while attempting to correct the violation.

At the end of the 30-day temporary suspension period if the permit holder fails to correct the problem and does not appeal the suspension to the board of commissioners, ~~the~~ the director of the ~~water system public services agency~~ [solid waste division manager, the head of the sustainability, waste and beautification department] or his/her designee shall bring before the board of commissioners, at the next regularly scheduled commission meeting, a request to permanently revoke the solid waste permit or to suspend the solid waste permit for a period greater than 30 days. Notice to the holder of such permit of the time, place and purpose of such hearing of the charge upon which the hearing shall be held shall be given by prior certified written notice. Three business days written notice shall be

deemed reasonable, but a shorter or longer period of notice shall be authorized as the board of commissioners may deem justified by the circumstances.

- (c) To appeal the temporary suspension the permit holder must comply with the requirements of section 102-60.
- (d) In all hearings before the board of commissioners conducted pursuant to this provision, the following procedures shall apply; and the proceeding shall be as informal as is compatible with due process:
 - (1) The chairperson of the board of commissioners shall read or cause to be read the charges against the permit holder or solid waste collector. The chairperson shall then read or cause to read any response filed by the permit holder or collector.
 - (2) The board of commissioners shall hear the evidence upon which the charges have been filed against the permit holder and shall not consider any additional evidence beyond the scope of these charges. The board may exclude evidence which is purely cumulative in nature.
 - (3) The order of proof shall be as follows:
 - a. The county representative shall present evidence in support of the charges.
 - b. The permit holder shall then present its evidence.
 - c. The evidence of each party may be supported by the submission of pertinent documents.
 - d. The board of commissioners shall allow each party to present pertinent rebuttal evidence.
 - (4) The permit holder and county may each be represented by counsel, and may present, examine, and cross-examine witnesses. Additionally, the board of commissioners may question both parties and all witnesses to obtain any information deemed necessary to evaluate the charges.
- (e) Due cause for the suspension or revocation of a solid waste permit shall consist of any one or more of the following:
 - (1) A permit holder commits a deceptive business practice including but not limited to any act or business practice designated as unlawful in the Fair Business Practice Act, O.C.G.A. § 10-1-390 et seq.
 - (2) Violation of any laws, chapters, or resolutions regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business.
 - (3) The permit holder has supplied false information to the manager of the business license division or the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or their respective designees regardless of when either shall have become aware of the same.
 - (4) The permit holder has failed to obtain, or has suffered the expiration, suspension, or revocation of any paper or document required hereunder for its business or as may be required for its business by any officer, official, agency, authority, or department of the county, state of the United States.
 - (5) The permit holder has failed to comply with any of the provisions of this article of this chapter.
 - (6) The permit holder makes any misrepresentation of fact which is intended to mislead the public or to mislead any party with whom the permit holder deals in pursuance of the permitted business. The term "misrepresentation of fact" as used herein shall embrace not only express misrepresentation arising by virtue of the permit holder's conduct, including acts and omissions.
 - (7) Failure by the permit holder to obtain and/or file all pertinent papers regarding insurance as required by this chapter.
 - (8) The ~~solid waste division~~ sustainability, waste and beautification department documents in any given permit year five or more substantiated complaints against and/or violations of this chapter involving a particular solid waste permit holder. The ~~solid waste division~~ sustainability, waste and beautification department shall record each such complaint and/or violation in a true and accurate log maintained for this purpose and shall record in connection therewith the name and

address of any complainant and the substance or basis of the complaint. Such records shall be made available to the permit holder and shall be deemed a public record.

- (9) The permit holder fails or has failed to stop collection activities as directed by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designees in written notification issued pursuant to this section.
- (10) The permit holder fails or has failed to pay to the ~~solid waste division~~ sustainability, waste and beautification department within 60 days of the due date any fees or fines incurred in pursuance of solid waste collection activities or who does not have an approved payment plan by the director of ~~water~~ the public services agency or his/her designee.

Section 102-60 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-60. – Appeals for commercial waste collection.

- (a) Any person or entity aggrieved by an action or decision of the director of the ~~water system~~ public services agency or his or her designee or employees may appeal such action or decision to the board of commissioners by filing written notice of appeal with clerk of the board of commissioners and the ~~solid waste division manager~~ head of the sustainability, waste and beautification department within ten days of the decision or action prompting appeal. The board of commissioners shall hear the appeal within 30 days of the receipt of such notice, and in connection therewith, shall give three business days' prior written certified notice of the hearing date to all parties. The board of commissioners may affirm, reverse or modify, either wholly or in part, any decision or action from which the appeal was sought by the petitioner.
- (b) This provision shall not apply to citations issued pursuant to section 102-14 for violations of this chapter.
- (c) Any request to revoke for failure to correct the 30-day suspension violation or request to suspend for the solid waste permit for greater than 30 days brought forth by the director of the ~~water system~~ public services agency or his/her designee shall proceed procedurally according to section (a) of the section as if the permit holder had filed an appeal.

Section 102-61 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-61. – Temporary permit for commercial waste collection.

- (a) A temporary permit may be issued by the ~~solid waste division~~ sustainability, waste and beautification department for a period not to exceed 15 calendar days from the issuance date thereof. At the conclusion of 15 days, an additional 15-day extension may be granted if justification for such extension is presented to and accepted by the ~~solid waste division manager~~ director of the sustainability, waste and beautification department or his or her designee.
- (b) A temporary permit will be issued only in the following circumstances:
 - (1) The collector is a solid waste permit holder in good standing or has an approved plan by the director of the ~~water system~~ public services agency or his/her designee for correction of any problems; and
 - (2) The collector can provide adequate proof of the temporary status of its noncompliance with any provision of this article or any article of this chapter; and
 - (3) The collector must return to complete compliance with all provisions of the solid waste, recycling and residential collection ordinance at the conclusion of the temporary permit period specified at the date of issuance; and

- (4) The temporary permit issued pursuant to this section must be posted and visible at all times on any vehicle used by the ~~collector~~ residential service provider in solid waste collection activities.

Section 102-62 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-62. –Insurance.

- (a) Any collector with a solid waste permit issued pursuant to this article shall at all times during the permit period obtain, maintain, and pay all premiums for, and file with the ~~solid waste division~~ sustainability, waste and beautification department, certificates of insurance evidencing the types and amounts of insurance specified in the solid waste insurance schedule.
- (b) The solid waste insurance schedule shall be as approved, adopted and amended from time to time by the board of commissioners.
- (c) The solid waste insurance schedule shall be on file and available in the office of the ~~solid waste division~~ sustainability, waste and beautification department.
- (d) All collectors shall comply with any and all federal, state, and local insurance laws, regulations and/or requirements.
- (e) All insurance contracts or policies procured so as to obtain the coverage required by the solid waste insurance schedule shall be in a form reasonably satisfactory to the county and shall be issued and maintained by companies authorized to do business in the State of Georgia and reasonably acceptable to the county. All such policies shall require 30 days' written certified notification to all insured parties prior to any cancellation thereof.
- (f) All insurance contracts must specify that the vehicles covered by such contracts are for "trash collection."
- (g) The collector shall provide the county with annual proof of the insurance required by the solid waste insurance schedule. Any failure to provide such evidence of insurance shall be grounds for denial or revocation of a solid waste permit.
- (h) A collector shall notify the ~~solid waste division~~ sustainability, waste and beautification department in writing of any insurance policy changes, renewals and/or cancellation by written certified notice ~~at least~~ at least 30 days prior to any change, renewal, and/or cancellation.
- (i) Any failure to comply with or violation of the provisions contained herein, in addition to any other penalty or course of action which may be sought for such violation, shall be subject to those penalties specified in section 102-14.

Section 102-64 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-64. – Vehicle requirements.

All persons collecting and disposing of solid waste material for a fee shall comply with the following requirements:

(1) *Solid waste collection vehicles:*

- a. *Type and size:* Solid waste collection vehicles shall comply with the regulations and licensing requirements of the Georgia Department of Transportation and with applicable local ordinances specifying weight and size restrictions for any streets or roads traveled to collect solid waste.
- b. *Compactor and cover:*

1. Vehicles used for the collection or transportation of solid waste shall be covered compactor-type trucks and shall be enclosed, weather-tight, substantially leakproof, easily cleanable and constructed of durable metal.
2. Vehicles used for the collection or transportation of solid waste shall be always covered ~~at all times~~, except during the loading and unloading thereof, so as to prevent the contents from falling, leaking or blowing out of the vehicle.
- c. *Scout or satellite vehicle*: A scout or satellite vehicle shall mean a vehicle with the maximum material capacity of eight cubic yards, or 216 cubic feet. The "box" of the truck may be configured in any manner not to exceed eight cubic yards so long as the dimensions thereof comply with all state and local laws. The scout should be used to collect materials in areas not easily accessible to compactor trucks after which the material shall then be hydraulically or manually emptied into a compactor truck. The scout shall not be allowed to make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when travelling to the compactor truck.
- d. *Audible alarm*: Each vehicle used for collection or transportation of solid waste shall have an operating, audible alarm which sounds when any such vehicle backs up or is in reverse.
- e. *Emergency lights*: Each compactor vehicle used for the collection or transportation of solid waste shall have an operating, flashing or revolving amber light mounted on top of the vehicle and visible from its rear. All collectors shall comply with any corresponding state or federal laws or regulations.
- (2) *Identification*: The following items shall ~~at all times~~ always be clearly visible on each and every vehicle used in the collection or transportation of solid waste, including temporary replacement vehicles and scouts:
 - a. The identity and telephone number of the collector on both sides of the vehicle displayed by letters or characters at least three inches in height unless said truck is a rental and in that case a temporary card with all above listed information must be kept inside of the vehicle in the case of inspection by an authorized county agent;
 - b. A permit decal placed on the front of the truck.
- (3) *Ownership/lease*: Registration of and title to the vehicle(s) shall be in the name of the collector or a leasing agent with a duly authorized power of attorney issued in the name of the collector.
- (4) *Exempt equipment*: The following solid waste collection equipment shall be exempt from the vehicle requirements enumerated in subsection (1)b.1. above; however, nothing in this section excludes compliance with all other vehicle requirements specified by this section, article, or chapter:
 - a. Roll-off equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);
 - b. Brush collector equipment;
 - c. Knuckle-boom picker equipment;
 - d. Open-top equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);
- (5) *Penalties*: Any failure to comply with or violation of the provisions contained in this section shall subject the offender to the penalties specified in section 102-14 and applicable federal, state and local law.

Section 102-65 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-65. – ~~Mandatory~~ Required provision of residential elective offer of recycling service.

- (a) All collectors must offer to their residential customers the ~~option~~ service of having their recyclable materials collected on a regular basis each at least once a month and must provide recycling service to their customers enrolled in the recycling program. Recyclable materials to be collected shall include at a minimum the following items: cardboard, PET, HDPE and hard-to-recycle plastics (currently under the Hefty ReNew program material which is subject to change), newspaper and aluminum.
- (b) All collectors must ~~offer~~ provide an appropriate container, ~~bags~~ or other type of receptacle for those residential customers opting for this recycling service. Any ~~and all collector~~ collectors providing such ~~a container, bags or other type of receptacle~~ containers to any their residential customer may charge a fee for ~~such said a container, bags or other type of receptacle~~ containers.
- (c) In no event shall any of the recyclable materials collected pursuant to this optional recycling service be disposed of in any landfill: with the intent to circumvent the proper recycling material flow. If in the case that material is deemed contaminated after it has been picked up curbside separate from MSW (municipal solid waste) trash and rejected by MRF (material recovery facility), an exemption to this mandate is observed and granted.
- (d) Any failure to comply with or violation of the provisions contained in this section shall subject the offender to penalties as specified in section 102-14 and applicable federal, state and local law.

Section 102-67 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-67. – Mandatory reporting requirements.

- (a) *Operators of disposal facilities.* Any operator of a disposal facility in ~~the unincorporated Cobb County~~ must report to the ~~solid waste~~ sustainability, waste and beautification department by July 15 of the following year the annual tonnage of solid waste received at said facility, segregated by point of origin (inside versus outside of the county).
- (b) *Penalties.* Any failure to comply with or violation of this provision shall subject the offender to penalties as specified in section 102-14.

Section 102-69 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-69. – Customer's requirements.

All persons receiving solid waste collection and disposal services from a permitted collector in residential areas shall comply with the following minimum three ~~two~~ requirements:

- (1) All solid waste must be enclosed in plastic or plastic-lined bags which are or have been tied, except as provided in paragraph (2) of this section.
- (2) Yard trimmings, if collected, shall be sorted, and separated from all municipal solid waste ~~in order~~ to facilitate collection and ultimate handling in accordance with section 102-70(5) of this chapter.
- (3) All recyclable material collected must be placed loosely (not in a bag) inside of the recyclable container with the exception of the hard-to-recycle (currently under the Hefty ReNew program which is subject to change) material, which should be placed inside of the approved collection bags first and then placed into the recycling container.

Nothing in this article shall prohibit persons from disposing of their own solid waste provided that all solid waste is bagged, tied, contained and/or covered when transported for disposal.

Section 102-70 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-70. – Services required to be performed.

All residential collectors shall comply with the following requirements:

- (1) *Collection schedule:* Collectors shall provide residential collection service at least once per week. No undue disturbance shall be created in residential areas during residential collection.
- (2) *Collection during holidays:* During a week which includes a legal holiday, collectors shall alternate collection days, if necessary, to ensure that collection service is provided at least once during such a holiday week.
- (3) *Notice to customer and county:* Residential collectors shall give written notice of any change in policy or level of service as follows:
 - a. To the county at least ten days prior to the implementation of any such change, including but not limited to sale of company, termination of business, or change of phone number; and
 - b. To the customer at least ten days prior to the implementation of any such change, including but not limited to termination of service; change of phone number, and change of rates, but excluding any sale of the company; however, the customer shall be notified of any such sale of the company within 30 days after the occurrence of such sale.
- (4) *Disposal of solid waste:* All collectors, including commercial collectors, must dispose of any solid waste in an approved disposal facility permitted and regulated by the state department of natural resources and/or the county.
- (5) *Disposal of yard waste:* Yard waste shall be disposed of in accordance with section 102-10.
 - a. ~~Effective September 1, 1996, it shall be unlawful within unincorporated Cobb County to dispose of yard trimmings in all municipal solid waste landfills with liners or leachate collection systems; and to dispose of yard trimmings in all municipal solid waste landfills which have received a vertical expansion under O.C.G.A. § 12-8-40.2. Collectors violating this provision shall be subjected to the penalties outlined in section 102-14.~~
 - b. ~~All collectors, including commercial collectors, must dispose of yard trimmings, if collected, in the following manners:~~
 1. ~~Sorting and stockpiling; or~~
 2. ~~Chipping; or~~
 3. ~~Composting; or~~
 4. ~~Using as mulch; or~~
 5. ~~By otherwise beneficially reusing or recycling it to the maximum extent feasible; or~~
 6. ~~By delivering it to certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.~~
 - c. ~~b.~~ Notwithstanding the provisions of section 102-10 paragraphs (1) through (e) of this section, collectors may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.
- (6) *Customer service:* Each collector permitted hereunder shall maintain a published telephone number and a responsible person in charge of customer service so as to provide the following to the manager head of the solid waste sustainability, waste and beautification department and to each customer:
 - a. A written policy specifying the terms of ~~any and~~ all services to be afforded to or agreements with each customer; and
 - b. A customer service system to resolve disputes with or complaints against the collector.

Section 102-71 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-71. – Hours of collection and Noise Complaints.

This section applies to both residential service providers and commercial waste permit holders.

- (a) No person or entity shall engage in the collection, transportation or disposal of any solid waste or recyclables from dumpsters, containers or receptacles of any kind or type between the hours of 11:00 p.m. and 7:00 a.m. except to perform emergency work required to safeguard the immediate health, safety and welfare of the public.
- (b) Notwithstanding subsection (a), the county manager, or their designee, may authorize the suspension or extension of the hours of collection during (i) periods when the Board of Commissioners has declared a State of Emergency or (ii) conditions classified as "Danger," "Extreme Danger," or "Stop Work" as determined by the OSHA Heat Index or similar recognized public health or safety standards. Upon authorizing an extension or suspension of collection hours, the director of the sustainability, waste, and beautification department shall notify all permitted collectors and affected county departments as soon as practicable. The purpose of this provision is intended to ensure the continued and timely collection of solid waste or recyclables during emergencies and hazardous conditions to protect public health and safety.
- (b) (c) Every noise complaint received and recorded by the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency at a specific location shall constitute a violation of this provision and shall result in the issuance of a report to the county police department, the code enforcement division of community development agency or the ~~division manager of the solid waste division~~ head of the sustainability, waste and beautification department or his/her designees or employees for full enforcement of this chapter.
- (e) (d) At such time as any second noise complaint has been received or recorded by the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency in a 45-day period at a specific location in the county and upon inquiry and investigation the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, or the code enforcement division of the community development agency is able to verify and substantiate the factual basis for such complaint, the solid waste permit holder shall be subject to the penalties detailed in section 102-58 in addition to section 102-14.
- (d) (e) If a partnership, corporation or other business entity controls, directs and/or owns a solid waste collection business, both the person directing the operation of such business, and all partners, directors, officers, shareholders, agents, representatives or employees exercising significant managerial responsibility over any employee or agent whose acts violate the terms of this article or chapter shall, in addition to such employee or agent, be considered to have violated the provisions of this chapter.
- (e) (f) Specifically excluded from the applicability of this section are the dumpsters located at any of the schools in the county.

Section 102-74 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-74. – ~~Transportation of solid waste across county lines prohibited~~ Reserved.

~~No person, solid waste handler, solid waste collector, solid waste permit holder, firm, corporation or business shall transport, pursuant to a contract, garbage, trash, solid waste or refuse across any county boundary line of this county for the purpose of dumping the same within the boundaries of this county, whether or not such material is to be dumped at a publicly or privately owned disposal facility unless~~

~~permission is first obtained and a written permit is granted by the board of commissioners as required by the O.C.G.A. § 36-1-16.~~

Section 102-75 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-75. – Penalties.

Any failure to comply with or violation of any provision of this article or any article of this chapter shall subject the offender to penalties as specified in section 102-14 and applicable federal, state and local law.

ARTICLE III. LITTER CONTROL

Section 102-91 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-91. – Purpose and title.

The governing authority is authorized to adopt ordinances for governing and policing of unincorporated areas of the county for the purpose of preserving and protecting the public health, safety, and welfare through the regulation and prevention of litter.

- (1) *Objectives.* The objectives of this article are:
 - a. Provide for uniform prohibition throughout the county of any and all littering on public or private property; and,
 - b. Prevent the desecration of the beauty and quality of life of the county and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (2) *Applicability.* This article shall apply to all public and private property within the county.
- (3) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- (4) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

Specifically, the governing authority may provide for the regulation and control of litter, O.C.G.A. § 36-1-20(a). The board of commissioners hereby enacts the following provisions ~~in an effort to~~ to regulate and control litter in the unincorporated areas of the county for the purpose of protecting and preserving the public health, safety and welfare of its citizens.

Section 102-92 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-92. – Littering public or private property or waters.

It is found and declared that litter on public and private properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage and a food supply for rodents and insects, lowers property values, and constitutes a public nuisance.

- (a) It shall be unlawful for any person or persons to dump, throw or leave litter on any public or private property in the unincorporated areas, unless:
 - (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a litter receptacle or container installed on such property in such a manner as to prevent it from being carried and deposited by the elements upon any public or private property.
- (b) It shall be unlawful for any person to operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately covered and secured to prevent the dropping or shifting of materials from such load onto the roadway.
- (c) Public or private property as used in this section only, shall mean the right-of-way or any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.
- (d) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Any person who violates subsection 102-92(a) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

- (1) If litter is ten pounds in weight or less or 15 cubic feet in volume or less, by a fine as set forth in section 12-14 of this chapter; or
- (2) If litter is ~~in excess of~~ more than ten pounds in weight or 15 cubic feet in volume, notwithstanding the fines set forth in section 102-14 of this chapter, by a fine of \$1,000.00 for each occurrence and each occurrence shall be deemed a separate offense.
- (3) In addition to the fines set out in subsections (1) and (2) above, the violator shall reimburse the county for the reasonable cost of removing the litter when the litter is or is ordered removed by the county; and
- (4) In the sound discretion of a court in which a conviction is obtained, the violator may be directed to pick up and remove from any public right-of-way for a distance not to exceed one mile any litter the person has deposited thereon by anyone: and/or repair or restore property damaged by such littering prior to the date of execution of sentence; or

In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

- (5) The court may publish the names of persons convicted of violating this article.

Section 102-96 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-96. Enforcement.

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Unless otherwise specially provided by resolution of the board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the ~~manager~~ director of the ~~solid waste sustainability, waste and beautification~~ department or his or her designees or employees and all law and code enforcement personnel who shall have such powers as are reasonably necessary to enforce and give effect to this chapter. Specifically, but not by way of limitation, any violation of this chapter may be tried upon citations issued by enforcement personnel pursuant to O.C.G.A § 15-10-63 and any successor statute.

The Official Code of Cobb County, Georgia, is amended, by adding a section numbered Section 102-98 to read as follows:

Section 102-98. – Monitoring and coordination of litter abatement in Cobb County.

The Cobb County Chief Sustainability Officer or their designee is chiefly responsible for establishing and administering Cobb County government's efforts and initiatives to abate litter.

Secs. 102-989—102-110. Reserved.

ARTICLE IV. KEEP COBB BEAUTIFUL ~~, INC.~~

Section 102-111 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-111. – Created; purpose.

For the purpose of assisting the county and the board of commissioners in establishing, promoting, and maintaining a countywide policy for improved environmental and waste management, a ~~commission~~ Keep America Beautiful affiliate is hereby created and shall be known as Keep Cobb Beautiful, ~~Inc.~~, referred to in this article as ~~or the "commission."~~ KCB. ~~The commission~~ KCB shall have only advisory authority in recommending refuse, waste, and environmental management policies to the board of commissioners, with the goal that all refuse and clean community activities may follow a common purpose.

Section 102-112 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-112. – Membership.

- (a) ~~The commission~~ KCB shall consist of ~~24~~ a minimum of 22 members, all of whom shall serve without remuneration.
 - (1) Fifteen of the members, who represent the areas of business and industry, communications, community and civic organizations, and educational institutions, shall be appointed by the board of commissioners, three appointments per commissioner.
 - (2) ~~The remaining six~~ Seven of the members shall be appointed by the governing body of each of the ~~existing six~~ seven municipalities in the county and an additional member can be appointed

- by any newly formed municipality. In each municipality having a Keep America Beautiful System, the municipality's representative may be chosen from its system.
- (b) The qualifications, method of selection, procedure for removal, and method of filling vacancies on ~~the commission~~ KCB shall be determined by each respective appointing entity for its respective appointment in collaboration with KCB leadership.

Section 102-113 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-113. – Term of appointment.

Each member of ~~the KCB affiliate board commission~~ appointed by a member of the board of commissioners shall serve concurrently with and at the pleasure of the appointing commissioner's term of office and until a successor is appointed and qualified. If an appointing commissioner is no longer in office due to a general election or a special election in which more than one year remains in that commissioner's term, any member appointed by that commissioner shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected commissioner filling such seat. The newly elected commissioner shall have the right to appoint a new member to ~~the commission~~ KCB under the same requirements as his/her predecessor as set forth in this section. Upon notification by ~~the chairperson of the commission that a member has missed three consecutive commission meetings~~ KCB leadership that a member has become inactive, missing board meetings and/or mandatory events/activities, the responsible appointing body or commissioner may replace that member in a timely fashion to fill the remainder of the term. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office. Such vacancy shall be filled for an unexpired term in the manner that original appointments are required to be made.

Section 102-114 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-114. – Officers; meetings; quorum.

KCB ~~The commission~~ shall hold an organizational meeting to select from its membership a chairperson, secretary, and such other officers as provided for in KCB's ~~the commission's~~ bylaws. ~~The commission~~ KCB shall also designate the time and place (to include in-person, virtual, and phone) of future meetings to be held at regular intervals (at a minimum of once per quarter). For matters concerning the bylaws, a quorum shall be present which shall consist of fifty-one (51%) percent of the total membership of ~~the commission~~ KCB and a two-thirds (2/3) vote shall be required to pass an amendment. On all other matters, action may be taken if approved by a majority vote of the members attending a regularly called meeting or if approved by the KCB executive committee, which shall have the power to act on behalf of the Board between regularly called meetings, except the executive committee shall not modify any action taken by the Board at a regularly called meeting; but in no event shall any action be taken with less than eight (8) members present and voting at any regularly called full board meeting. In the case of a voting tie, KCB's executive director shall be the deciding vote.

Section 102-115 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-115. – Bylaws; minutes.

~~KCB The commission~~ shall adopt its own bylaws and rules of procedure, subject to the approval of the board of commissioners. The secretary of ~~KCB the commission~~ shall take minutes of all meetings of ~~KCB the commission~~ and keep records of all regularly scheduled meetings and other pertinent actions or proceedings.

Section 102-116 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-116. – Responsibilities.

~~KCB's The commission's~~ responsibilities shall include but not be limited to the following:

- (1) Determine and recommend to the board of commissioner's management and program priorities on a countywide basis.
- (2) Review current ordinances and propose to the board of commissioners any changes or additional ordinances felt to be necessary in order to achieve the goals of ~~the commission~~ KCB with particular emphasis placed on more stringent enforcement.
- (3) Monitor performance from data collected and examined under the Keep America Beautiful, Incorporated's, ~~Clean Community System~~ Litter Survey/Community Appearance Index guidelines and make an annual report to the board of commissioners.
- (4) Initiate, plan, direct, and coordinate, in collaboration with KCB's executive director and internal county staff, communitywide efforts to achieve its goals.
- (5) Solicit and accept donations and appropriations of money, services, products, property, and facilities for expenditure and use by ~~the commission~~ KCB for the accomplishment of its objectives.
- (6) Carry out other such tasks as the board of commissioners or their designees may designate.

Section 102-117 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-117. – Financial powers limited.

~~KCB The commission~~ shall not have the power to financially obligate the county without prior approval of the board of commissioners.

Section 102-118 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-118. – Annual report.

KCB, in collaboration with its executive director, ~~The commission~~ shall annually provide the board of commissioners with a report of its actions and proceedings in connection with each project or undertaking and shall include as part of its report a statement of its receipts and disbursements, from whatever source and to every object, for the preceding 12 months. In addition, ~~the commission~~ KCB shall make more frequent reports, including such information as may from time to time be requested by either the board of commissioners or the county manager, whenever requested to do so. ~~KCB's The commission~~ records shall be kept in a manner that will enable it to make such reports and accountings, and they shall be subject to verification and examination by the county auditors.

Section 102-119 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-119. – Termination of projects.

Any project or undertaking begun by ~~the commission~~ KCB shall be terminated at any time upon a decision of the board of commissioners that the continuation thereof is not in the best interests of the county.