

Chapter 15

SOLID WASTE MANAGEMENT

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Section 15-0A ARTICLE I. IN GENERAL

Section 15-1 Penalty for violation of chapter.

Any person who violates any of the provisions of this chapter shall upon conviction thereof before the municipal court be punished as provided in section 1-6 of this Code.

Pursuant to the provisions of O.C.G.A. § 36-34-2(3), city employees designated in writing by the city manager shall be authorized to serve a summons to appear in municipal court upon any person who violates the provisions of this chapter.

(Code 1958, § 12-2; Ord. of 2-22-88; Ord. of 12-28-92, § I)

Section 15-2 Participation in the Southwest Georgia Regional Solid Waste Management

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Authority.

(a) *Activation of authority.* The city, after diligent study and review, hereby joins with the other participants in finding and declaring that there is a need for an authority to function in the area of solid waste management. In conjunction with the other participants, the city hereby activates the Southwest Georgia Regional Solid Waste Management Authority (the "Authority"), a public corporation created as an institution of purely public charity, to perform an essential governmental function in the exercise of power conferred upon it by this resolution and the Regional Solid Waste Management Authorities Act.

(b) *Appointment of members.* In accordance with the terms of O.C.G.A. § 12-8-54, the city hereby authorizes the mayor or mayor pro tem of the city to appoint its representatives to the board of directors of the authority with the advice and consent of the governing body of Thomas County and the governing bodies of the other municipal corporations located within Thomas County.

(c) *Authorization of agreement among participants.* Under the authority of Article 9, Section 3, Paragraph 1 of the constitution of the State of Georgia and the Regional Solid Waste Management Authorities Act, the execution, delivery and performance by the city of an agreement, dated as of May 1, 1992 (the "agreement"), between and among the city, each of the participants and the authority is hereby authorized. The agreement shall be in substantially the form attached hereto as Exhibit A, with such changes as are approved by the mayor of the city, and the execution of the agreement by the mayor of the city, which is hereby authorized, shall be conclusive evidence of such approval. The agreement shall provide for the activation of the authority and the relationship between and among the participants, including the city, and establish on a preliminary basis the powers and duties of the authority relating to research, study and planning for projects for the management of solid waste on behalf of the participants. The agreement shall only become effective upon its execution by five (5) counties pursuant to the authorization of such execution through duly adopted resolutions.

(d) *Other actions* In order to carry out the formation and activation of the authority as aforesaid, the mayor of the city is further authorized to take any and all further action and execute and deliver any and all other documents that may be necessary or desirable in the execution, delivery, performance, or approval of the agreement and in order to carry out and effectuate fully the proposes thereof and hereof (Ord. of 5-25-92, §§ 1--4)

Editor's note--Provisions adopted by §§ 1--4 of an ordinance adopted May 25, 1992, have been included herein at the discretion of the editor as § 15-2.
(Ord.99-005, corrected, 08/28/2000, proofed and corrected; Ord. 99-005, Amended, 06/25/1999)

Section 15-3 15-3--15-25. Reserved.

Section 15-25A ARTICLE II. DEBRIS, WEEDS AND OTHER VEGETATION

Section 15-26 General prohibition.

Any and all lots and land within the city, except in zones R-1A, R-1, R-2 which have special provisions set out in section 15-27, shall be kept clean from debris, weeds, undergrowth, brush, vegetation or other matter which, by reason of height, proximity to neighboring structures, physical condition, filth or habitat for reptiles, animals and insects, shall be unsanitary, unhealthy or hazardous. The existence of any debris, filth, vegetation or other matter or condition as set forth above which shall create an unsanitary, unhealthy or hazardous condition, is hereby declared to be a nuisance.
(Code 1958, § 12-1)

Section 15-27 Cleanliness of residential lots.

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Any lots or land which are located within the residential areas of the city, according to its zoning plan and map, zones R-1A, R-1, R-2, shall be kept clean from any debris, weeds, undergrowth, brush, vegetation or other matter which, by reason of height, physical condition, filth or habitat for reptiles, animals and insects, shall be unsanitary, unhealthy or hazardous for a distance of one hundred fifty (150) feet from any occupied residence. The maximum number of times the owner will be required to clear the underbrush from these lots is four times a year. This section shall not apply to areas that have not been previously cleared and developed and are covered with a natural growth of trees and/or underbrush which are not otherwise unsanitary or hazardous with the exception of lots that are within a city block which is more than ninety (90) percent developed. The underbrush shall be cleared sufficiently to allow a tractor mower (rotary bush type) to be used for the mowing.

(Code 1958, § 12-1.1; Ord. of 10-8-90, § I)
(2002 (15-27), Amended, 09/09/2002)

Section 15-28 Nuisance--Determination of existence.

It shall be the duty of the city manager to ascertain whether any lot or land within the city limits is not kept clean and free from debris, vegetation, filth, or is in such condition as constitutes a nuisance as defined in sections 15-26 and 15-27.

(Code 1958, § 12-1.2)

Section 15-29 Same--Notice to owner to abate.

If the city manager shall ascertain that any lot or land is a nuisance, as defined in sections 15-26 and 15-27, he shall notify the owner of record of such lot or land, at the last available address of such owner, directing the owner to clear such lot or land and abate such nuisance within a prescribed time which shall be set forth in the notice given.

(Code 1958, § 12-1.3)

Section 15-30 Same--Abatement by city.

If the nuisance complained of in a notice given pursuant to section 15-29 is not eliminated or abated within the prescribed time given in the notice, then and in that event the city shall cause such nuisance to be abated and levy the cost thereof as an assessment against the property in question. The clerk of the city shall thereafter send a copy of such assessment to the record owner of the lot or land affected thereby. Whenever any nuisance is abated under this section by the city, the cost thereof to the city, as to each parcel of land, shall be calculated and reported by the city manager to the city council. Thereupon, the city council shall cause such costs to be assessed against the property. When such assessment has been spread upon the tax roll of the city, the clerk of the city shall send a notice of such assessment to the record owner of the lot or land and otherwise proceed to collect the assessment as provided by law.

(Code 1958, § 12-1.4)

Section 15-31 15-31--15-55. Reserved.

Section 15-55A ARTICLE III. GARBAGE AND TRASH

Section 15-56 Definitions.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means all domestic wastes of animal, fruit, vegetable, or grain origin that attends or is attributable to the preparation, use, cooking or dealing in, handling or storage of meats, fish, fruits, vegetables, grains and such other organic materials or substances normally to be disposed of from residences, churches, schools, small business establishments, and similar places. Animal excrement, or manure, is also considered as garbage. All other organic materials not specified herein are also considered as garbage if such materials are not stored in such a manner as to prevent fly breeding.

Refuse means organic and inorganic materials small in size and quantity which are generally disposed of simultaneously with garbage and in the same container and which are generated by individuals or businesses. Refuse includes such items as paper, cardboard, clothing, cans, glass, crockery generated by a typical household or business as a part of daily routine but is not intended to include the waste products of a commercial manufacturing operation.

Trash means organic and inorganic waste that is too large or heavy to be routinely broken down, compressed or otherwise disassembled to fit into the normal garbage or refuse containers utilized by a household or business for the collection of its waste. Trash would include, but is not limited to, such items as large appliances, furniture, construction debris, vehicular parts and manufacturing wastes.

Yard debris means the organic material generated by the maintenance of improved ground areas. Yard debris includes, but is not limited to, grass clippings, leaves, pine straw, shrubbery, tree branches, weeds, and similar material.

(Code 1958, § 12-3; Ord. of 2-22-88, § I(12-3))

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 15-57 Residential garbage and refuse service.

(a) Every residence shall be furnished by the City one (1) roll-out style solid waste container for use at the residence for the collection of garbage and refuse. The furnishing of one (1) such container shall be at no cost to the resident owner or occupant ("customer"). Any additional container requested by the customer and provided by the City shall be rented from the City by the customer.

(b) The customer shall be responsible for maintaining such container(s) in a sanitary condition. All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material. Upon the discovery of a violation of this section, it shall be the duty of the City Manager or his designee to notify the customer that they are in violation of this section, and if the customer does not promptly correct any damage resulting from the failure to comply with this section, to hold that customer liable for payment of any charges connected with correcting such violations.

(c) The City shall roll out the customer's container(s) to the curbside at the front or (if appropriate) side yard of the residence, or to any appropriate alleyway, no sooner than 6:00 a.m. of the day of collection by the City. After collection, the City shall roll the container(s) back to the proper storage location(s) near the residence building, as set forth below, prior to 6:00 p.m. of the collection day. Any roll-out container that is positioned at curbside or at an alleyway by a customer before 6:00 a.m. on the day of collection or after 6:00 p.m. on the day of collection shall result in a separate, per-violation charge which shall be added to the monthly sanitation bill for the residence. The City shall provide notice to any such customer of the additional charge for violation of the roll out time requirements. In this connection, a customer may roll out the customer's container(s) to the curbside or alleyway if the customer so desires, but may not do so prior to 6:00 a.m. on the collection day.

(d) Except when a container is located at curbside or at an alleyway as contemplated in subsection (b), above, all residential solid waste containers shall be stored by the customer at a reasonable distance from the rear or side of the residential building, not to exceed five (5) feet from the building's exterior wall. The customer shall be responsible for access by City employees to the storage location. A violation of

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this subsection shall result in a per-violation charge which also shall be added to the monthly sanitation bill for such residence. The City shall provide notice to any such customer of any additional charge for failure to satisfy the container location requirement.

(e) Each residence location shall be assigned a pick-up day, which shall amount to collection by the City one (1) time per seven days. If a customer desires to rent an additional container(s), the customer shall request the additional container(s) on a form provided by the City, and the City shall supply an additional container(s), with an increase in charge, depending upon the number and size of the container(s) rented by the customer.

(f) Customers shall not own garbage and refuse container(s) provided by the City for curbside pickup. Title to all containers provided to customers shall at all times remain in the City. Customers, therefore, are not allowed to use other containers for their garbage and refuse to be collected by the City. In the event any container furnished the customer by the City is lost or destroyed while in the possession of the customer, a charge will be made to the customer for the actual cost of replacing the container so lost or destroyed.

(g) The City may provide garbage and refuse collection service outside the corporate City limits at rates to be approved by the Council of the City of Thomasville. Rates for service outside the City limits are on file at the office of the City Clerk and the administrative offices of the Utilities department.

(Code 1958, § 12-4; Ord. of 2-22-88, § I(12-4); Ord. of 12-28-92, § I; Ord. of 3-22-99; Ord of 5-28-01; Ord. of 12-22-04; Ord of 6-21-06))

(2006 (15-57), Amended, 06/21/2006; 2004 (15-57), Amended, 12/22/2004; 2001 (15-57), Amended, 05/28/2001; 1999 (15-57), Amended, 03/22/1999)

Section 15-58 Residential yard debris.

The collection of residential yard debris is a part of residential garbage and refuse collection. However, yard debris shall not be disposed of in residential garbage and refuse containers. The city has designated curbside as the area to which residents may take their yard debris for disposal. The city will pick up residential yard debris on a scheduled basis not to exceed once every fourteen (14) days. With respect to the yard debris collection, residents shall comply with regulations as established by the city manager.

(Code 1958, § 12-5; Ord. of 2-22-88, § I (12-4.1); Ord. of 12-28-92, § I; Ord. of 12-22-97(2), § I)

Section 15-59 Monthly fees.

(a) There is hereby levied and assessed a monthly garbage and refuse container rental fee to each residence, the amount of which is dependent upon the number and size of container(s) chosen by the residential customer. Rates are on file at the office of the City Clerk and the administrative offices of the Utilities department. This base one-container collection fee and the rental charge for more than one container or for a replacement container may be increased or decreased from time to time by the City Council as the City Council deems appropriate.

(b) Where any residential building, e.g. apartment house, complex or housing project, is comprised of more than one (1) residential dwelling unit or apartment, then the charge shall be levied separately against each such residential unit or apartment; provided, however, that dwelling units or apartment units in an apartment house, complex, or housing project where garbage and refuse is deposited at a central location for pickup by City employees, may be exempt from such charges, if the owner or operator of such apartment house, complex, or housing project pays for this type of garbage and refuse service according to the prescribed manner set out in this article for the collection of commercial garbage and refuse. Exemptions from the monthly fee for residential units may also be obtained only in instances where a residential unit is not occupied and where City water services have been disconnected at the

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request of the occupant, and if no occupant, then at the request of the non-occupying owner.

(c) There is hereby levied and assessed a monthly yard debris collection fee against each single-family residential dwelling unit, for the collection and disposal of yard debris from such residential dwelling unit. This base fee shall provide for the collection of one (1) pick-up during a period not to exceed every fourteen (14) days. Where any building, apartment house, complex or housing project is comprised of more than one (1) residential dwelling unit or apartment, then the charge shall be levied separately against each such residential unit or apartment, within the corporate limits of the City. However, any family dwelling unit or apartment unit in an apartment complex, housing project, or homeowner's association for condominium or townhouse development, where yard debris is deposited at a central location for pickup by City employees, may be exempt from such charge, if the owner or operator of such complex, whether individual, corporation or association, pays for this type of yard debris service according to the prescribed manner set out in Section 15.61(e) of this article for the collection of commercial yard debris. Notwithstanding any such apartment complex, housing project, or homeowners association for condominium or townhouse developments, shall elect to receive commercial yard debris service if the monthly charge is not paid on an individual dwelling unit basis. Exemptions from the monthly fee for residential units shall be made only in instances where the residential unit is not occupied and where City water services have been disconnected at the request of the occupant.

(d) The City Utilities department shall act as billing and collection agency for the garbage and yard debris collection charge. All monies so collected shall pass directly to the City treasurer for deposit to the City. The charges shall be billed with other utilities, and all billing and collection provisions applicable to other utilities shall apply to such garbage and yard debris fees.

(Code 1958, § 12-4.1; Ord. of 11-24-86; Ord. of 11-9-87; Ord. of 2-22-88, § I(12-5); Ord. of 1-31-91, § I(12-4.1); Ord. of 2-10-92, § I; Ord. of 12-28-92, § I; Ord. of 12-22-97(2), § I)
(2004(15-59), Amended, 12/22/2004; 2001 (15-59), Amended, 05/28/2001; 1999 (15-59), Amended, 03/22/1999)

Section 15-60 Responsibility for disposal of trash.

It shall be the responsibility of the individual resident to dispose of trash, as defined in this article, in a satisfactory manner. Trash may be disposed of by the resident, a private contractor engaged by the resident, or the city if arranged for by the resident under rules established by the city manager. Trash shall be deposited at the city operated landfill or alternate trash collection locations established by the city manager within the city limits. Regardless of the method of disposal, no trash, as defined in this article, shall be placed on or adjacent to the public right-of-way.

(Code 1958, § 12-6; Ord. of 2-22-88, § I(12-6))

Section 15-61 Commercial service.

(a) The disposal of garbage, refuse and yard debris generated by all facilities other than residential units shall be the responsibility of the owner or operator of such facility, whether individual, corporation or association, subject to the requirement that said owner or operator shall elect to carry out such responsibility by one (1) or a combination of the following methods:

(1) Furnish proof to the City Manager of continuous use of a certified landfill for such disposal by said owner or operator;

(2) Furnish proof to the City Manager of an existing contract by the owner or operator with a licensed solid waste disposal service which is disposing of the garbage or refuse or trash, any or all, in a certified landfill, and in a manner satisfactory to the City Manager; or

(3) The City of Thomasville has been engaged by the owner or operator, whether individual, corporation or association, to provide waste disposal services for said garbage or refuse or trash, any or all. The city service will provide, upon request, not more than five (5) pickups per normal work week.

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Any persons or firms receiving such services shall at any time abide by the rules and regulations established by the City Manager, with respect to the type of containers used for the storage of waste, the locations of such containers, the sharing of containers by mutual recipients of the services, the measuring of such waste, the charges imposed therefor, or otherwise.

(4) Such facilities shall clean or provide for cleaning of their containers and areas surrounding containers to maintain them in a sanitary manner. All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material. Upon the discovery of a violation of this section, it shall be the duty of the City Manager or his designee to discontinue solid waste service to any customer guilty of the violation until such violation is corrected and any charges connected therewith are paid.

(b) Commercial service shall be comprised of three (3) categories: privately owned containers, city owned multi-user containers, and city owned single-user containers.

(c) There is hereby established and imposed upon each and every firm or person receiving such commercial service a waste disposal charge according to schedules on file at the offices of the City Clerk and the administrative offices of the Utilities Department.

(1) An individual business that generates sufficient refuse to warrant a commercial dumpster may be provided privately owned container service. Each dumpster shall be furnished by the business and the fee for such privately owned container service shall be as established in Schedule I, on file as specified in subparagraph (c) above.

(2) In commercially developed areas where there exists three (3) or more businesses and due to limited space it is impractical for each business to have a commercial container of its own, at the discretion of the City Manager, the City will provide a container to be shared. There is hereby levied a charge as established in Schedule II, on file as specified in subparagraph (c) above.

(3) Small individual businesses that are not in close proximity to a shared container or that do not generate enough refuse to warrant a commercial dumpster may be provided with commercial barrel service, at the discretion of the City Manager. The City shall provide containers (barrels) for use in this type of service. The fee for such service provided to small individual businesses shall be as established in Schedule III, on file as specified in subparagraph (c) above.

(d) The City designates the Thomasville Housing Authority as a residential refuse customer with a special commercial service rate and shall establish a rate for such service exclusive of yard debris collection. The City shall provide containers for such service and charges for the service shall be on file as specified in subparagraph (c) above.

(e) Any family dwelling unit or apartment unit in an apartment complex or housing project, or commercial business where yard debris is deposited at a central location for pickup by City employees, may contract for the separate collection of yard debris with fees based on the area of the improved grounds being maintained. Biweekly pickup of yard debris shall be charged at monthly rates on file as specified in subparagraph (c) above.

(f) The City Utilities department shall act as billing and collection agency for commercial service. All money so collected shall pass directly to the City Treasurer for deposit to the City. The charges shall be billed with other utilities and all billing and collection provisions applicable to other utilities shall apply to commercial service charges. If the commercial service charge becomes delinquent, the Utilities department shall discontinue all utility service until such charges are paid in full.

(g) The City may provide commercial garbage, refuse, and yard debris collection services outside the corporate City limits at rates to be approved by the City Council. Rates for services outside the City limits are on file at the offices of the City Clerk and the administrative offices of the Utilities department.

(Code 1958, § 12-7; Ord. of 2-22-88, § I(12-7); Ord. of 9-24-90, § I(12-7); Ord. of 2-10-92; Ord. of 1-27-93, § I; Ord. of 2-28-94, § I; Ord. of 1-8-96(2), § I; Ord. of 9-9-96, § I; Ord. of 12-22-97(2), § I; Ord. of

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5-11-98, § I; Ord. of 3-22-99; Ord. of 1-14-02; Ord. of 12-22-04; Ord. of 6-21-06)
(2006 (15-61(a)4, Amended, 06/21/2006; 2004 [15-61(c-g)], Amended, 12/22/2004; 2002 (15-61), Amended, 01/14/2002; 1999 (15-61), Amended, 03/22/1999)

Section 15-62 Disposal.

Every person who disposes of any garbage, trash, commercial or other wastes, whether required to do so by this chapter or otherwise, shall make such disposal at the city landfill or otherwise as specified by the county health department.

(Code 1958, § 12-8; Ord. of 2-22-88, § I(12-8))

Section 15-63 Responsibility of contractors to dispose of waste generated by their actions.

Every person providing contractual services for residential property shall be responsible for the disposal of all waste generated as a result of their actions. Examples include, but are not limited to, businesses engaged in cutting, trimming or removal of trees, roofing, siding, remodeling, renovations, and such. The city will not be responsible for the collection and removal of garbage, refuse or yard debris generated on residential property by those other than the resident.

(Code 1958, § 12-8.1; Ord. of 2-22-88, § I(12-8.1))

Section 15-64 Hazardous waste.

It shall be unlawful for any person to leave, deposit, pour, or infiltrate any hazardous waste as solid waste that may cause or significantly contribute to serious illness or death or that poses a substantial threat to human health or the environment when improperly managed into either trash piles, garbage containers, sewers, streams, landfill areas, or any other undesignated areas. Hazardous wastes are among the leavings of a highly technological society and come from many segments of that society, including industry, hospitals, research laboratories, and all levels of government. The substances and materials prohibited by this section are any solid wastes which have been identified and treated as a hazardous waste by the United States Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act (RCRA) of 1976 by enactment by the Congress of the United States. To further identify such substances, the substances in question must not contain any one (1) or more of the following characteristics:

- (1) Ignitability, which identifies wastes that pose a fire hazard during routine management;
- (2) Corrosivity, which identifies wastes requiring special containers because of their ability to corrode standard materials or requiring segregation from other wastes because of their ability to dissolve toxic contaminants;
- (3) Reactivity or explosiveness, which identifies wastes that, during routine management, tend to react spontaneously, to react vigorously with air or water, to be unstable to shock or heat, to generate toxic gases, or to explode; and
- (4) Toxicity, which identifies wastes that, when improperly managed, may release toxicants in sufficient quantities to pose a substantial hazard to human health or the environment.

(Code 1958, § 12-8.2; Ord. of 2-22-88, § 1(12-8.2))

Section 15-65 City manager authorized to establish rules and regulations.

The city manager is hereby authorized to establish rules and regulations necessary, in his judgment, to carry out the intents and purposes of this chapter.

(Code 1958, § 12-8.3; Ord. of 2-22-88, § I(12-8.3))

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Section 15-66 15-66--15-90. Reserved.

Section 15-90A ARTICLE IV. VERMIN HARBORAGE

Section 15-91 Accumulations creating places for vermin harborage unlawful; penalty for violation.

It shall be unlawful for any person to store or accumulate on any premises, improved or vacant in the city, any abandoned, deteriorating, decayed or deteriorated buildings, automobiles, trucks, house trailers, stoves, iceboxes, refrigerators, washing machines, clothes dryers, plumbing fixtures, or similar appliances or fixtures which would create a place for vermin harborage hazardous to the health and welfare of the residents of the city or is otherwise offensive. Any person who shall violate this section and who shall fail to remove such prohibited building or other such vermin harborage or other offensive item within ten (10) days after being served by the city health officer with notice of such violation shall, upon conviction, be punished as provided for in section 1-6 of this Code.

(Code 1958, § 12-9)

Section 15-92 Abatement of unlawful accumulations.

In addition thereto, the chief building official of the city who shall act pursuant to this article as the city health officer shall abate the unlawful vermin harborage forthwith at the expense of the owner of the harborage. The city clerk is required to issue an execution against the owner and against the real estate for the amount expended for doing so.

(Code 1958, § 12-10)

Section 15-93 Exemptions.

This article shall not be applicable to persons licensed by the city to operate junkyards, salvage yards, car lots and similar businesses where the storage and accumulation of such items are incident to the conduct of such regularly licensed business.

(Code 1958, § 12-11)

Section 15-150 Activation of authority.

(a) *Activation of authority.* The city, after diligent study and review, hereby joins with the other participants in finding and declaring that there is a need for an authority to function in the area of solid waste management. In conjunction with the other participants, the city hereby activates the Southwest Georgia Regional Solid Waste Management Authority (the "Authority"), a public corporation created as an institution of purely public charity, to perform an essential governmental function in the exercise of power conferred upon it by this resolution and the Regional Solid Waste Management Authorities Act.

(Ord. 99-005, Add, 06/25/1999)