

FIRST READING March 25th, 2019

PUBLISHED April 5th, 2019

PASSED April 8th, 2019

AN ORDINANCE NO. 2019-0409

AN ORDINANCE TO PROVIDE REGULATIONS REGARDING THE DISPOSAL OF TREE TRIMMINGS WITHIN THE CITY OF BALDWIN, GEORGIA; TO PROHIBIT THE INCLUSION OF YARD TRIMMINGS OR TREE TRIMMINGS IN MUNICIPAL SOLID WASTE; TO PROHIBIT DISPOSAL OF YARD TRIMMINGS IN CERTAIN LAND FILLS LOCATED WITHIN HABERSHAM OR BANKS COUNTIES, OR BOTH; TO PROVIDE DEFINITIONS; TO ESTABLISH THE MANNER OF SORTING, STORING, AND COLLECTING TREE TRIMMINGS; TO PROVIDE PENALTIES; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia and it is hereby ordained by the authority of the City Charter, as amended, and Art. IX, § II, ¶ III of the Georgia Constitution of 1983, as amended:

Section 1. TITLE.

This Ordinance shall be titled and known as "the Baldwin Tree Trimmings Disposal Ordinance".

Section 2. DEFINITIONS.

(a) Commercial Solid Waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes.

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

(c) Leachate Collection System means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

(d) Load means an amount that is equal to an area that is six feet in length by three feet in height and three feet in width.

(e) Municipal Solid Waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes commercial solid waste but does not include solid waste from mining, agriculture or silvacultural operations or industrial processes or operations.

(f) Municipal Solid Waste Disposal Facility means 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 and municipal solid waste thermal treatment technology facilities.

(g) Municipal Solid Waste Landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

(h) Tree Debris Removal means the remains of a tree due to its cutting and removal due to age, ill-health or otherwise, and which comprises the trunk of a tree being over four inches in diameter or a substantial portion of a tree including but not limited to sections of a trunk of a tree being over four inches in diameter. All tree debris removal shall be assessed by the City of Baldwin as an unscheduled service in accordance with Section 6 herein.

(i) Tree Trimmings means shrub and tree punings that are capable of being clipped and being turned into mulch, and limited to limbs not over six feet in length or four inches in diameter,

and which are completely trimmed, but includes discarded Christmas trees. Tree trimmings does not include tree removal debris or limbs over six feet in length or four inches in diameter, or limbs which are not completely trimmed.

(j) Yard Trimmings means leaves, brush, grass clippings, nursery and greenhouse vegetable residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvacultural operations.

Section 3. PLACEMENT AND DISPOSAL OF YARD TRIMMINGS; PROHIBITIONS.

(a) It shall be unlawful to place or mix yard trimmings or tree trimmings, or both, with municipal solid waste within the City of Baldwin, Georgia.

(b) Tree trimmings and yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within the City of Baldwin, Georgia, and/or as prohibited by Habersham County, or Banks County, or both.

(c) Yard trimmings shall be the responsibility of the property owner or the property owner's tenant or licensee to dispose of properly in accordance with the provisions of Section 4 of this ordinance.

Section 4. SORTING, STORING, COMPOSTING AND DISPOSING YARD TRIMMINGS.

To the maximum extent feasible, the City Council of the City of Baldwin, Georgia provides that its citizens and entities implement the following procedures for handling yard trimmings following the below-described hierarchy:

- (1) Naturalized, low-maintenance landscaping requiring little or no cutting;
- (2) Grass cycling by mowing it high and letting it lie;
- (3) Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;

(4) Composting on the site where the material was grown, followed by incorporation of the finished compost into the soil at that site;

(5) If the procedures outlined within Section 4, subsections (1) to (4) are not utilized by the property owner, tenant or licensee, then the yard trimmings shall be bagged in paper lawn bags or other biodegradable containers and properly disposed of by the property owner, tenant or licensee in a landfill which accepts yard trimmings.

Section 5. SORTING, STORING AND COLLECTING TREE TRIMMINGS.

Tree trimmings shall be sorted and stored by the property owner, tenant or licensee in accordance with subsections (a) through (f) in order to be collected by the City of Baldwin and transported to another site to be chipped or composted, or both, for later use.

(a) Tree trimmings, once a month by the entities or citizens of the City of Baldwin, prior to the days designated for pickup during the month by the Public Works Director of the City of Baldwin, Georgia, shall be sorted and collected into piles of brush, shrub and tree prunings and/or discarded Christmas trees; and brought to the front property line (as more specifically described by subsections (d), (e) and (f)) bordering on a public street where each entity is located or each citizen resides, in order for the City of Baldwin to collect and transport the tree trimmings.

(b) Once a month, on days designated by the Public Works Director the City of Baldwin, the City of Baldwin shall chip or transport all tree trimmings properly left to be picked up by the entities and citizens of the City of Baldwin, Georgia and stored for public or private use, or both. As long as it is economically feasible, as determined in the discretion of the City Council of the City of Baldwin, Georgia, the mulch generated by the chipping up of the tree trimmings shall be provided free of charge to any member of the general public who requests the mulch, and who is willing to pick up and transport the mulch from the Baldwin Public Works Storage area as determined by the Public Works Director, for their own use.

(c) The Public Works Department shall not collect more than one load at any one location and no longer than 15 minutes per predetermined cycle unless collected as an unscheduled service. A “load” is defined as a pile that is 6 feet long by 3 feet wide by 3 feet tall. Piles larger than these dimensions or which exceed the loading time limit shall result in an unscheduled service charge as provided by Section 6.

(d) Brush and limbs shall be placed between curb and sidewalk. Where there is no sidewalk, limbs may be placed on the owner’s property near the street. Limbs shall not be over six feet in length or four inches in diameter and shall be completely trimmed. Limbs shall be stacked no closer than 50 feet from an intersection and shall be in a manner not to obstruct the view of traffic. All limbs shall be separated with limbs placed in one direction, that is, with all cut ends together. Leaves, brush, grass clippings, yard trimmings, nursery and greenhouse residue, vegetative matter resulting from landscaping, dirt, rocks, grass roots, vines and other plant roots containing soil shall not be collected by the City of Baldwin.

(e) Leaves, limbs, grass or other trimmings shall not be placed in a manner to obstruct the free and normal flow of any drainage system or the safe vision or movement of any pedestrian or vehicular traffic. Such debris shall not be placed in the gutter of any roadway at any time.

(f) It shall be unlawful for any person to place or dispose of any yard trimmings, tree trimmings, leaves, limbs, grass or other trimmings within the rights-of-way or utility easements, on water valves, meter boxes or sanitary sewer manholes throughout the City of Baldwin at any time except as provided in this subsection:

(1) Limbs cut and placed near the street for collection by any person other than the owner of the property shall not be collected or hauled by the City of Baldwin. Individuals or companies under contract to collect leaves and limbs shall haul and dispose of all such refuse. This requirement also applies to utility or railroad companies which trim vegetation away from their wires, equipment or tracks to maintain their right-of-way over public and private land.

(2) Leaves or limbs put on vacant lots by property owners or violators shall not be collected.

(3) Except as otherwise provided, City of Baldwin owned vehicles shall not enter upon private property to collect limbs or other solid waste, and employees are hereby prohibited from entering upon private property to collect limbs which are placed more than five feet behind the sidewalk or property line, whichever is the farthest from the centerline of the street.

(4) Such debris as limbs or other tree trimmings shall not be placed within a public right-of-way more than ten calendar days prior to the days of the week scheduled for the collection and removal of such tree trimmings by the City of Baldwin or a private or commercial collector.

Section 6. UNSCHEDULED SERVICE.

(a) The minimum charge for tree debris removal or another unscheduled service shall be \$75.00 per load or part thereof plus disposal cost based on the current landfill rates for the type of materials collected for all customers requesting additional unscheduled collection services by the Public Works Department within the confines of the City of Baldwin.

(b) The Director of Public Works shall charge a customer for collection and disposal expenses associated with the removal of waste which does not comply with this ordinance or approved policies and procedures and shall charge a minimum of \$75.00 per load or part thereof plus disposal cost based on the current landfill rates for the type of materials collected within the confines of the City of Baldwin, Georgia.

(c) The unscheduled service charge shall not be assessed when the tree debris removal or other debris is the direct result of a natural or man-made emergency or disaster, severe storm, inclement weather including but not limited to tropical cyclones, tornadoes, high or severe wind

events or ice storms that affect more than one residential property within the City (“storm debris”), but does not include debris generated by a sick or dead tree, land clearing operations, house cleaning efforts or other attempts to have the City remove debris that is not storm debris.

Section 7. PENALTIES.

Any person, entity, firm or corporation who shall do anything prohibited by this Ordinance as the same exists, or as it hereafter may be amended, or who shall fail to do anything required by this Ordinance as the same exists, or as it may hereafter be amended, shall be subject to the maximum penalties allowed by the City Charter of the City of Baldwin, or as allowed under the statutory authority of Georgia law, or both, and as assessed in the discretion of the Judge of the Municipal Court of the City of Baldwin.

Section 8. SEVERABILITY.


If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance, should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances should be declared invalid or unconstitutional, such invalidity shall not be construed or affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 9. REPEAL.

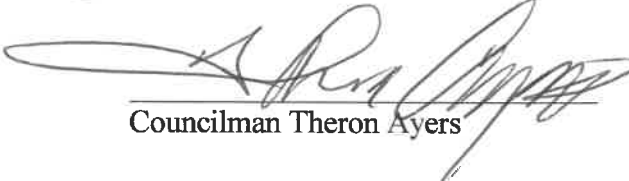
All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

This 9th day of April, 2019.

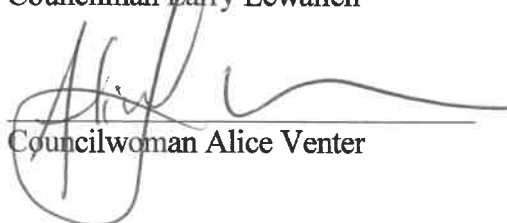
BALDWIN CITY COUNCIL

By: 
Mayor Joe Elam


Councilman Jeff Parrish



Councilman Theron Ayers

Councilman Larry Lewallen


Councilwoman Alice Venter

Councilperson

Attest:


Emily Woodmaster, City Clerk