

FIRST READING July 19, 2022

SECOND READING August 16, 2022

PASSED August 16, 2022

AN ORDINANCE NO. BR2022-26

AN ORDINANCE TO AMEND CHAPTER 18 (“SOLID WASTE”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA WITH RESPECT TO APPLICATIONS FOR AND THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR GARBAGE COLLECTION WITHIN THE CITY AND FOR OTHER PURPOSES.

WHEREAS, Chapter 18 (“Solid Waste”) of the Code of the City of Blue Ridge, Georgia (“Code”) provides generally for the collection of garbage within the City; and

WHEREAS, City staff has recommended certain changes to Chapter 18 (“Solid Waste”) of the Code with respect to applications for and the issuance of certificates of public convenience and necessity for garbage collection within the City; and

WHEREAS, the City Council finds it in the public interest to adopt the changes recommended by City staff.

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, that Chapter 18 (“Solid Waste”) of the Code of the City of Blue Ridge, Georgia, is hereby amended to read as follows:

SECTION 1. AMENDMENT TO CHAPTER 18 (“SOLID WASTE”)

Chapter 18

SOLID WASTE

Sec. 18-1. Purposes and intent.

The Blue Ridge Garbage Collection Ordinance is a user ordinance as opposed to an availability ordinance and private garbage collection companies operating within the incorporated area of the city must hold a non-exclusive franchise by way of a certificate of public convenience and necessity issued by the city in order to so operate. This intent is expressly made in order to give guidance to any court as to any provision of this chapter requiring judicial interpretation.

(Ord. of 9-9-2014, § 1)

Sec. 18-2. Title.

This chapter shall be titled and known as "the Blue Ridge Garbage Collection Ordinance".

(Ord. of 9-9-2014, § 3)

Sec. 18-3. Definitions.

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

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

Biomedical waste means pathological waste, biological waste, cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biologicals, or testing of pharmaceuticals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in rule 391-3-4-.15 of the board of natural resources of the state, as amended, and other such waste materials, including, but not limited to, the following:

- (1) *Biological waste* means bulk blood and blood products, exudates, secretions, suctioning, and other bulk body fluids which cannot or are not directly discarded into the municipal sewer system.
- (2) *Chemotherapy waste* means any disposable material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or any neoplastic agents (agents that inhibit or prevent the growth of tumors or malignant cells) during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty IV tubing bags and valves, and other contaminated materials. This waste must first be classified as empty, which means such quantity that it is not subject to federal or state waste management regulations, prior to being handled as biomedical waste.
- (3) *Cultures and stocks of infectious agents and associated biologicals* means and includes cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
- (4) *Pathological waste* means all recognizable human tissues and body parts which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.
- (5) *Sharps* means any discarded article which may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes and needles attached, and scalpel blades.

Certificate means a non-exclusive franchise by way of a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a garbage collection and disposal business in the city.

Commercial garbage means solid waste, litter, refuse, paper, or other discarded material ordinarily generated as byproducts of commercial enterprises.

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

Doing business in the city means operating a garbage collection and disposal, or transport service, over the streets of the city, for any garbage and/or commercial garbage, trash, or refuse for monetary consideration.

Dwelling, single-family, means a building designated or arranged to be occupied by one single housekeeping unit only.

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

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

Holder means a person or legal entity to whom a non-exclusive franchise by way of a certificate of public convenience and necessity has been issued by the city for garbage collection and disposal.

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

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

Owner means the holder of the title in fee simple of the property.

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

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

Premises means a lot or tract of property as otherwise used in this chapter.

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

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

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

(Ord. of 9-9-2014, § 4)

Sec. 18-4. Regulation of the business of operating a garbage collection and disposal service.

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

(Ord. of 9-9-2014, § 5)

Sec. 18-5. Required certificate of public convenience and necessity.

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

(Ord. of 9-9-2014, § 6)

Sec. 18-6. Application.

An application for a certificate shall be filed with the Planning and Zoning Department upon forms provided by the city and shall be verified under oath. Each applicant is required to submit to a background investigation including a criminal history check. If the applicant is other than sole proprietor, all partners, officers, managers and stockholders holding a ten percent or more interest in the company shall be subject to the provisions of this section. The application shall be made in the owner's name. An applicant must:

- (1) Be at least 21 years of age.
- (2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service and must provide a Systematic Alien Verification for Entitlements (SAVE) affidavit.
- (3) Have not been convicted, entered a plea of guilty or nolo contendere, been on probation, parole or been imprisoned within a period of ten years previous to the date of the application, for any felony.

- (4) File applications for the initial inspections of garbage collection vehicles along with a list of all drivers and indicate whether drivers are company employees or independent contractors. An insurance binder must be provided for each vehicle which will be used.
- (5) Submit with the application payment of the regulatory fee of \$1,000.00 and the proper occupation tax, if applicable, upon being granted a certificate. A regulatory fee of \$1,000.00 shall be required for each annual renewal of a certificate. Besides the regulatory fee paid as a part of the initial application or any renewal application, each holder of a certificate of public convenience and necessity shall also pay the franchise fees required under section 18-19(b), and on a monthly basis as required by said section.
- (6) Provide the following information:
 - a. *Business.* Trade name of business; legal name of business; business address; business telephone number; federal employer ID number or Social Security number; mailing address; type of ownership; parties having any interest in the business; the amount, terms, and payee of any capitalization loans; the company color scheme and insignia to be used on its vehicles; detailed business plan; details of insurance coverage, including agency, copy of policy or binder number, length of coverage, amounts and types of coverage; the number of vehicles to be used.
 - b. *Applicant.* Full name; aliases; race; sex; nationality; Social Security number; alien registration number, if applicable; home address; length of residency; home phone number; birthplace; date of birth; occupation and employer; driver's license number; education; height; weight; hair color; eye color; other physical characteristics; previous employment history; previous addresses; previous arrests, including offense, location, date, and disposition; financial statement; the existence of any prior applications; the existence of any previous revocations or suspensions of any garbage collection license or certificate; the existence of an interest in any other garbage collection operations; the existence of any unpaid judgments against the applicant; the amount of experience in the transportation of garbage.
 - c. *Manager.* Full name; home address; date of birth; race; sex; Social Security number.
- (7) Submit any facts which the applicant believes tend to prove that public convenience and necessity requires the granting of a certificate.

(Ord. of 9-9-2014, § 7)

Sec. 18-7. Public hearing.

Upon the filing of an application, the city shall schedule the application for a public hearing at the next available meeting of the city council. Notice of such hearing shall be given to the applicant and to all persons holding certificates at the time of the application being filed.

(Ord. of 9-9-2014, § 8)

Sec. 18-8. Issuance.

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

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

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

- (1) The total number of companies authorized under certificates issued shall not be greater than one company per 400 residents of the city. Such population shall be based upon the most current census information available from the U.S. Census Bureau.
- (2) This subsection is intended to establish a minimum number of authorized garbage collection companies, and should not be construed to limit the authority of the city council to deny an application for a non-exclusive franchise by way of a certificate if they determine that the public convenience and necessity does not warrant the issuance of such certificate.

(Ord. of 9-9-2014, § 9)

Sec. 18-9. Liability insurance required.

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

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

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

(Ord. of 9-9-2014, § 10)

Sec. 18-10. License fees.

(a) No certificate shall be issued or continued in operation unless the holder has paid an annual regulatory fee, as provided in section 18-6, for the right to engage in the garbage collection business, and the required franchise fees, as provided by section 18-19(b), on a monthly basis. Such fees shall be for the calendar year and shall be in addition to any other license fees or franchise charges established by proper authority and applicable to such holder or the vehicle under his operation and control.

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

(Ord. of 9-9-2014, § 11)

Sec. 18-11. Suspension or revocation of certificate.

(a) A certificate may be suspended or revoked by the City Administrator for the following reasons:

- (1) Furnishing fraudulent or untruthful information or omitting information requested in any application or report.
- (2) Failure to pay all fees, taxes or other changes imposed by the provisions of this Code.
- (3) Failure to maintain all of the general qualifications applicable to the initial issuance of a certificate.
- (4) Allowing the required insurance coverage to lapse.
- (5) Violation of any provision of this chapter.
- (6) Commission of any act which would disqualify a person from obtaining a certificate.
- (7) Discontinuing operations for a period of more than 30 days, or failing to begin operations within 60 days of the date of issuance of a certificate.

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

(Ord. of 9-9-2014, § 12)

Sec. 18-12. Appeals procedure.

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

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

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

(d) The findings of the city council shall be final unless appealed, within 30 days of the date of the finding, by certiorari to the superior court of Fannin County.

(Ord. of 9-9-2014, § 13)

Sec. 18-13. Renewal of certificates.

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

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

(Ord. of 9-9-2014, § 14)

Sec. 18-14. Alteration of certificates.

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

(Ord. of 9-9-2014, § 15)

Sec. 18-15. Collection requirements.

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

- (1) Each garbage collection business must be able to provide residential pickup and commercial dumpster service. If the garbage collection business provides sanitary

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

- (2) Collection from residential premises shall be made at least once weekly. Said collection shall occur on a designated day of the week as selected by the garbage collection business, and the selected date shall be provided to the customer. Collection from commercial premises shall be made at least once weekly, but may occur more often depending upon the volume and type of commercial garbage. The collection days may be changed by the garbage collection business, but any change must be done with 30 days advance notice to the customers.
- (3) Each garbage collection business must provide a customer service phone number to its customers and to the city and must return customer phone calls within 24 hours of a call by a customer. Each garbage collection business will handle all customer service issues in a prompt and professional manner and will be responsible for handling all customer issues, including billing and collections for the bills for services.
- (4) Each garbage collection business shall provide an information sheet to the city that the city will use to provide to potential customers and allow a potential customer to select which garbage collection service that the customer desires. The information sheet shall include, at a minimum, the following: name of the garbage collection business; name of local manager handling customer service within the city; and contact information for the customers as to the garbage collection business, including, but not limited to, the customer service phone number.
- (5) Each garbage collection business, upon contracting with a new customer, shall for franchise fee purposes provide to the city the following information: customer name; customer location; type of customer (residential or commercial); type of container pick-up (residential garbage can or commercial dumpster and the size of commercial dumpster); the number of days of pick-up a week or a month, designated day for garbage pick-up, and pricing for the service that is to be billed.
- (6) Garbage collection businesses must provide to their customers, both new and old, labels no smaller than five inches by seven inches to go on the residential and commercial garbage containers. The labels provided to customers must state the name of the company and the customer service contact information.
- (7) Any garbage collection business operating under a certificate of public convenience and necessity shall hold the city harmless against any and all liability, loss, cost, damages, or expense which may accrue to the city by reason of the negligence, default, or misconduct of the garbage collection business in connection with the rights granted to such business hereunder. Nothing in this chapter shall be considered to make the city liable for damages because of any negligent act or omission or commission by any garbage collection business, its servants, agents, drivers, or other employees, during the operation of the business of the garbage collection service, either with respect to injuries to persons or with respect to damage to property which may be sustained.

(Ord. of 9-9-2014, § 16)

Sec. 18-16. Sanitary trash and garbage containers required; maintenance.

(a) All persons or entities receiving garbage collection (which shall not include those premises, the occupants or owners of which elect not to use the garbage collection system made available to said premises) from the residential or commercial premises within the city shall use sanitary containers (garbage cans or carts) in which trash, garbage, commercial garbage, or refuse shall be kept prior to collection, and all persons or entities of residential or commercial premises shall use said sanitary containers (which can be a dumpster for commercial premises). The containers shall be provided either by the customers or the garbage collection business, as shall be determined between them. No person or entity shall place biomedical waste, hazardous waste or industrial waste, or any combination thereof, into said containers, and such an act shall be a violation of this chapter subjecting the violator to the maximum penalties allowed by the city Charter.

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

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

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

(Ord. of 9-9-2014, § 17)

Sec. 18-17. Owner or occupants prohibited from collection or scattering of garbage, trash, etc.

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

(Ord. of 9-9-2014, § 18)

Sec. 18-18. Monthly sanitation and health charges; authorized liability for payment.

(a) In order to protect the health, welfare and good order of the citizens of the city by providing a garbage collection and disposal system by the regulation of holders of certificates of public convenience and necessity for garbage collection and disposal, and to defray the cost and expense of providing said system within the city, a monthly sanitary and health charge or fee shall be assessed against the owner or occupant, or both, of every premises within the city that uses the services of an authorized garbage collection business, and with said charge as set by the garbage collection business providing the service. Each authorized garbage collection business shall monthly bill and collect the charges for the services of the garbage collection business used by the customers within the city.

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

(Ord. of 9-9-2014, § 19)

Sec. 18-19. Fee schedule.

(a) The monthly sanitary and health charges referred to in section 18-18 for the various premises within the corporate limits (and outside the corporate limits where the system is utilized) and which use the garbage system of the city shall be as fixed by the garbage collection businesses used by the customers. Each garbage collection business shall provide its pricing information or services to the city, as well as the other information required by section 18-15.

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

(Ord. of 9-9-2014, § 20)

Sec. 18-20. Billing procedure.

The monthly sanitary and health charge for each premises using the system shall be billed and collected on a monthly basis by each authorized garbage collection business. Each

authorized garbage collection business shall remit to the city the franchise fees required under section 18-19(b) on the 20th day of each month for fees collected in the previous month.

(Ord. of 9-9-2014, § 21)

Sec. 18-21. Nonpayment of fees deemed violation requiring termination of services.

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

(Ord. of 9-9-2014, § 22)

Sec. 18-22. Cleanup charge.

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

(Ord. of 9-9-2014, § 23)

Sec. 18-23. Penalties.

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

(Ord. of 9-9-2014, § 25)

SECTION 2.

SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall 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 shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 4. EFFECTIVE DATE.

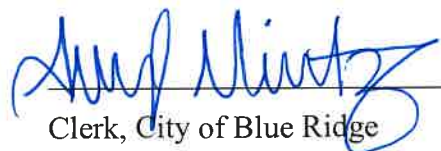
The effective date of this ordinance shall be upon its passage by the City Council.

SO ORDAINED this 16 day of August, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge



Clerk, City of Blue Ridge

