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07-O-1335

**AN ORDINANCE BY COUNCIL MEMBER CLAIR MULLER
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 130 OF THE SOLID
WASTE MANAGEMENT CODE, SECTION 130-38, TO CLARIFY
RECYCLING REQUIREMENTS AND CITY'S ENFORCEMENT
POWERS REGARDING MULTI-FAMILY DWELLINGS.**

WHEREAS, recycling has many benefits, including: conservation of our natural resources; energy conservation; reduction of greenhouse gas emissions and pollution; and avoids waste disposal thus reducing our dependency on landfilling; and

WHEREAS, the intent of the original ordinance was to require the owners of multi-family developments to participate in the ongoing city-wide efforts to recycle, and in doing so, provide their residents with the necessary containers and space needed to recycle; and

WHEREAS, the language in the existing ordinance can be strengthened to clearly delineate the requirement for the owners of multi-family developments to provide the necessary resources to recycle for their residents; and

WHEREAS, the City of Atlanta ("City") is already host to many multi-family developments, and as the City's population continues to rise so too will the number of these developments; and

WHEREAS, with the increasing number of these multi-family developments, especially in the downtown area, the necessity to provide residents with the proper tools to recycle is crucial; and

WHEREAS, more and more landfills are being closed and both the City and State of Georgia could ultimately run out of economical and logistically feasible places to dispose of its solid waste; and

WHEREAS, recycling should be made easy and convenient for all residents of multi-family dwellings, and citizens and residents of these dwellings have expressed a strong desire and a need to recycle.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the current Section 130-38 (e)(1) be deleted in its entirety and replaced with the following language:

- (1) The owners of any multi-family dwelling, including public housing, consisting of six or more living units, or the *owners' association of condominiums* or townhouses consisting of six or more living units, shall furnish commercial containers for the collection of recyclables, including, at a minimum, the materials the city collects as part of its curbside recycling program, which materials include glass, plastics, newspapers and aluminum cans. The capacity of the containers shall be adequate to

hold the recyclable material of residents of the multi-family dwelling and shall be of a size not less than three (3) gallons multiplied by the number of living units.

Section 2: That the current Section 130-38 (e)(2) be deleted in its entirety and replaced with the following language:

- (2) Owners and associations subject to this section shall have until July 1, 2008 to comply with its requirements, after which time the enforcement provisions of subsection (g) of this section shall apply.

Section 3: That the current Section 130-38(f)(2) be deleted in its entirety and replaced with the following language:

- (2) As a condition for the approval of any building permit for any new multi-family dwelling, all plans submitted by the applicant to the commissioner of *public works* must demonstrate that the space allocated for any proposed development shall be of a size necessary to locate and service containers to contain any solid waste *as prescribed in Section 130-38(d)(1)* and recyclable materials as prescribed in Section 130-38(e)(1) generated on the premises.

Section 4: That the current Section 130-38(f)(3) be deleted in its entirety and replaced with the following language:

- (3) The location of any solid waste container and/or recycling container cannot in any way impede normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.

Section 5: That the following two new subsections be added to the current Section 130-38(f):

- (4) Each owner or Association shall be required to submit, or cause to be submitted on their behalf by a management company or other representative, an annual report to document the amount of recyclables collected, as well as any other reports reasonably requested by the City. Reports shall contain at a minimum the following information:
 - (a) Name of owner, association or person or entity responsible for the supervision of the recycling program
 - (b) Address of building(s)
 - (c) Number of living units
 - (d) Name and address of company providing collection services
 - (e) The frequency of collection and the size and average number of recycling containers located on the property.
- (5) In the case of conversions of existing apartment complexes to condominiums pursuant to O.C.G.A. 44-3-87 et. seq. and retrofits of other existing buildings into multi-family living units a request can be made to the Commissioner of Public Works for a waiver from the recycling requirements in Section 130-38(e)(1). No waiver shall be granted unless an applicant can prove that it is physically impossible *or economically unreasonable to add additional space on the site that could hold containers required by Section 130-38 (e)(1)*.

Section 6: That the current section 130-38(g) be deleted in its entirety and replaced with the following language:

(g) *Enforcement and penalties. Starting July 1, 2008*, if the owner or agent of the owner of any multi-family dwelling, including an owner of public housing, or the Association in the case of condominiums and townhouses consisting of six or more living units, is found in violation of any of the provisions of this Section, it shall be the duty of the Commissioner of Public Works to give written notice to the owner or Association to abate the violation within 90 business days of the date of the notice. The Commissioner of Public Works shall provide a report of such notices to City Utilities Committee each quarter.

- (1) Failure of the owner or agent of the owner to comply with the provisions of any notice to abate, as provided in this subsection, shall subject the Owner or agent of the owner to any penalties provided for a Class B offense according to the provisions of Section 130-12 of this Chapter.
- (2) Each day's failure or refusal to comply with the order, after expiration of the time allowed for compliance, shall constitute a separate offense.

Section 7: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed only to the extent of conflict.