



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, August 23, 2021
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still

Council Member Glenn Martin

Mayor Pro Tem Victoria Jones

Council Member Bob Clark

Council Member Keith Roche

Bicentennial Fact

Mayor Still delivered the Bicentennial Fact (see PowerPoint picture). Mayor Still stated, "Cotton bales move through the streets of Lawrenceville on their way to market in 1905. (GHS-649)."

Vanishing Gwinnett II

More Scenes of Bygone Days

W. Dorsey Stancil

Prayer

Officer Josh Morris presented the invocation.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Item #2 will be removed from the agenda.

Item #9 is tabled to the September 27th Regular Meeting.

Item #15 is tabled to the September 27th Regular Meeting.

Motion to accept the agenda as amended made by Council Member Martin, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Recognitions

1. New Employee Recognition - Electric Department

Barry Mock Assistant City Manager recognized Huston Gillis as the new Electric Department Director.

Proclamations

2. Georgia Gwinnett College Men's and Women's Tennis Teams

Tabled to a later meeting.

Approval of Prior Meeting Minutes

Motion to approve the minutes as amended made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

3. July 26, 2021 Regular Meeting and Executive Session
4. August 11, 2021 Work Session

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

City Attorney Lee Thompson read the Consent Agenda into record.

Motion to accept the consent agenda made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

5. Right-of-Way Tree Trimming on an Annual Contract
6. Managed Detection and Response Services
7. Quarterly Ethics Report

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

8. RZR2021-00009; City of Lawrenceville; Quinn Ridge Subdivision

Planning and Development Todd Hargrave delivered the presentation. Robert Carlson also came up and spoke.

Motion to approve RZR2021-00009; City of Lawrenceville; Quinn Ridge Subdivision with staff conditions made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Council Business Old Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

9. Downtown Square Alleyway Name

Tabled to the September 15th Work Session.

10. Update to Solid Waste Ordinance

Assistant City Manager, Public Works Director Barry Mock delivered the presentation.

Motion to approve the Update to Solid Waste Ordinance as presented and updated made by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

11. Munis Tax Billing Solution and Staff

Information Technology Director Kyle Parker delivered the presentation.

Motion to approve Munis Tax Billing Solution and Business Analyst position made by Council Member Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

12. 92 South Clayton Street Acquisition

City Manager Chuck Warbington delivered the presentation.

Motion to approve the 92 South Clayton Street Acquisition made by Council Member Roche, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

13. Acquisition of GDOT Surplus property on SR316

City Manager Warbington delivered the presentation.

Motion to approve the Acquisition of the 7+ acres of GDOT Surplus property on SR316 made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

14. Ordinance to Move the December Super Wednesday Council Meeting

City Manager Warbington delivered the presentation.

Motion to approve the move of the 12pm Work Session and the 7pm Regular Meeting from Wednesday, December 15, 2021 to Monday December 13, 2021 made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

15. Update to City Code of Ordinances, Chapter 26, Article 2 - False Alarm

Tabled to the September 27th Regular Meeting.

Executive Session – Personnel, Litigation, Real Estate

Motion to enter Executive Session made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Motion to exit Executive Session made by Council Member Martin, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Report of items discussed in Executive Session

1 Personnel

2 Real Estate

No Votes Taken

Final Adjournment

Motion to adjourn made by Council Member Clark, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk





Special Events



9/8 - Workout on the Lawn
with Fishery Fitness
Lawrenceville Lawn
6:30 PM



9/17 – LIVE in the DTL
Uptown Funk – Tribute to Bruno Mars
Lawrenceville Lawn
8:00 PM

**9/17 & 9/18 – Neighborhood
Night Market**
Lawrenceville Lawn
2:00 PM



8/27 – Feature Friday
Pursuit of Happyness
Lawrenceville Lawn
7:00 PM



Upcoming Meetings

City Council Work Session

September 15, 2021
5 pm

City Council Meeting

September 27, 2021
7 pm

For special event
information and more, visit
www.downtownlawrencevillega.com

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville,
held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>YES</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>YES</u>
<u>Bob Clark</u> , Council Member	<u>YES</u>
<u>Glenn Martin</u> , Council Member	<u>YES</u>
<u>Keith Roche</u> , Council Member	<u>YES</u>

On motion to approve the request to amend the Official Zoning Map by
Council Member Roche, seconded by Mayor Pro Tem Jones, which carried 5-0, the
following ordinance was adopted:

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Planning Commission of the City of Lawrenceville has held a
duly advertised public hearing and has filed a formal recommendation with the
Mayor and Council of the City of Lawrenceville upon an Application to amend the
Official Zoning Map from RM-12 (Multifamily Residence District) to RS-180 (Single-
Family Residence District) by City of Lawrenceville; for the proposed use of Single-

Family Uses on a tract of land described in the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on August 23rd, 2021 and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 23rd day of August, 2021, that the aforesaid application to amend the Official Zoning Map from RM-12 (Multifamily Residence District) to RS-180 (Single-Family Residence District) is hereby APPROVED.

Approval of the request as RS-180 (Single-Family Residence District), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Single-family residence purposes only.
 - B. All uses allowed in RS-180 Zoning District.
2. To satisfy the following site development considerations:
 - A. Variances approved as listed in the Quinn Ridge Forest Unit One Final Plat, prepared by Horlbeck & Associates, Inc. In 1988.
 - B. Dwelling must be a minimum of 1,400 square feet.

C. Variances for a 10 foot encroachment into the front and rear yard setback on the following lots:

1. Block "A": 5-20
2. Block "B": 1-15, 20-22
3. Block "C": 1-5, 7-16
4. Block "D": 1-24
5. Block "E": 5-9, 13-15, 23-27

David R. Still, Mayor

Date Signed: _____

ATTEST:

Karen Pierce, City Clerk

Legal Description

All that tract or parcel of land lying and being in Land Lot 172, of the 5th District, City of Lawrenceville, Gwinnett County, State of Georgia, and being more particularly described on a "Final Plat" title "Quinn Ridge Forest, Unit One, and recorded in Plat Book 44, Page 193.

Chapter 30 - SOLID WASTE⁽¹⁾

Footnotes:

--- (1) ---

Editor's note— Ord. of 11-13-2019(2) amended Ch. 30 in its entirety to read as herein set out. Former Ch. 30, §§ 30-1—30-94, pertained to similar subject matter and derived from Code 2005, §§ 12-101, 12-102, 12-104, 12-105; 12-201—12-204; 12-301—12-314; 47-101—47-104; Ord. of 12-5-2005; Ord. of 9-10-2007.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Services provided.

The city may provide for and/or regulate the following solid waste disposal services:

- (1) Residential garbage and solid waste collection and disposal;
- (2) Commercial garbage and solid waste collection and disposal;
- (3) Industrial garbage and solid waste collection and disposal;
- (4) Construction and demolition waste collection and disposal;
- (5) Residential recycling collection and disposal; and
- (6) Commercial recycling collection and disposal.

(Ord. of 11-13-2019(2))

Sec. 30-2. - Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them respectively:

Authorized agent means designee of owner of the property. Excludes tenants, unless specifically designated by the owner of the property in writing and with sufficient contact information of the tenant provided (phone number, mailing address, etc.).

Commercial garbage and solid waste means all garbage, refuse, rubbish, trash and other waste of manufacturing or commercial establishments, cinders and ashes from commercial boilers, and cardboard and wooden boxes, crates and barrels.

Commercial establishment means any hotel, motel, business, manufacturing, public or semi-public establishment of any nature or kind whatsoever other than one- or two-family dwelling units, apartments and condominium.

Construction and demolition waste means building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes, but is not limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and other nonputrescible wastes associated with construction and demolition activities which have a low potential for ground-water contamination. Inert waste landfill materials approved by authorized state and/or federal agencies for disposal in landfills permitted by rule and regulation other than residential solid waste as defined in this chapter are also included in this definition if disposed in a construction or demolition waste landfill.

Container means an object than can be used to hold and/or transport garbage and commercial waste. A container may also refer to dumpster.

Curbside means a location near the street, behind the curb-line and not blocking a sidewalk, where trash receptacles are readily accessible to collection vehicles. The City Manager or his/her designee may authorize the location of containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection of garbage.

Entity means the actual business or house for collection.

Garbage means domestic waste including meat, vegetable and fruit scraps, cans, bottles, paper, cardboard, rags, ashes and other such waste material ordinarily disposed from residences, churches, schools, small business establishments and other such places. Animals, fowl and fish entrails, bones and carcasses whether in whole or in part, from business establishments such as slaughterhouses and meat and fish markets shall not constitute "garbage", but shall constitute "other waste."

Industrial solid waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the board of natural resources, chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.

Large items means furniture, appliances, mattresses and the like which are of no use to a homeowner or charity.

Other waste means animal, fowl and fish excrement, entrails, bones, carcasses in whole or in part and dead animals, and any other refuse material not otherwise classified herein.

Other yard waste means yard waste which is loose and not bagged.

Owner means person or persons who own the actual property whether commercial, industrial, multi-family or residential.

Recovered materials processing facility. A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such terms 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.

Recyclables includes comingled materials designated by the Public Works Department as part of the City recycling program and not required to be separated prior to collection.

Recycling means any process, both commercial and residential, by which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products;

- (1) Commercial recycling means recycling conducted from multi-family dwellings, retail, service, food, or other businesses located within the corporate limits of the City, both present and future, which properties are not eligible for residential waste collection;
- (2) Residential recycling means recycling conducted from single-family residences located within the corporate limits of the City, both present and future, or other residences which qualify for residential waste collection.

Recycling container is a watertight plastic container equipped with a lid and authorized by the Public Works Department for use as part of the City recycling program.

Residential garbage and solid waste means all household refuse, trash, garbage, yard waste, or rubbish including, but not limited to, putrescible animal, fruit and vegetable matter resulting from the preparation, cooking, storage, sale and serving of food, cans, glass, paper, and other containers, material that is generated as household garbage and inert yard waste such as grass clippings, leaves, and branches generated from residences, unless otherwise defined herein.

Yard waste means yard waste such as weeds, grass and hedge trimmings, leaves, brush, tree limbs and other such material contained in bags or other approved container.

([Ord. of 11-13-2019\(2\)](#))

Secs. 30-3—30-9. - Reserved.

ARTICLE II. - RESIDENTIAL GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL

Sec. 30-10. - City to collect residential garbage, recycling and yard waste.

The City of Lawrenceville will collect all residential garbage and solid waste, all residential recycling and all yard waste generated within the City limits. No permits will be issued to private companies to collect residential garbage, residential recycling and yard waste unless the City is unable to furnish the service. Such services shall be authorized by the City as needed, at which time the City shall issue a letter with a set permit fee. The method for delivering the service(s) will be determined by the City Council.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-11. - Commencement of service.

All property owners or their authorized agents shall be required to pay for garbage/solid waste collection and disposal for all habitable property within the City and for the payment of fees to the City for such services. An owner or authorized agent shall notify the finance department of the City of proper contact and billing information and shall be responsible for updating said information as needed. Garbage and solid waste collection fees shall be a charge against the property.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-12. - Residential fees.

The collection fees for residences shall be such as may be set from time to time by the City Council. The City Council may suspend or waive fees.

- (1) *Residential service.* The Finance Department of the City shall maintain on file and make available to the public a record of the costs, fees, service charges and deposits for curbside garbage collection and any additional fees for special circumstances. Non-payment of fees shall be cause for the imposition of late fees as determined by the City Council and shall also cause a penalty as determined by the City Council. Continued delinquent accounts shall be subject to imposition of a lien against the property served in accordance with the City Charter. Monthly charges shall be billed based on one service a week. The monthly charges are:

a. Standard residential property curbside pick-up:

1. The City will provide one 95-gallon container at no charge.
2. Beginning January 1, 2022 the monthly charge will be billed at \$10.00 per month for single-family properties occupied by the homeowner.
3. Beginning January 1, 2023 the monthly charge will be billed at \$20.00 per month for single-family properties occupied by the homeowner.
2. Monthly charge will be billed at \$0.00 per month for single-family properties occupied by the homeowner.

43. Monthly charge will be billed at \$20.00 per month for rental properties.

b. Premium residential property curbside pick-up:

1. The City will provide one 95-gallon container at no charge.
2. Premium residential service accounts may elect to have more than one City provided 95-gallon container. For each additional container, account holder shall pay a one-time fee as determined by the City Manager and/or designee.
3. Monthly charge will be billed \$20.00 per month/per container.

c. Senior Citizens

1. Persons age 65 years of age or older may request and / or upon reasonable verification receive a reduction, in residential monthly fees, of fifty percent (50%).

(2) All garbage bills will follow the schedule set forth in chapter 38.

(3) Large/bulk item fees.

- a. Large items that are in excess of the provided container, will be collected by the City and are subject to the laws of the City. A fee will be charged for these large/bulk items, and the fee schedule is listed in the Sanitation Collection Policy.
- b. Standard limb, leaf, and yard waste is collected by the City at no charge to the resident. However, excessive amounts of limbs, leaves and other yard waste, will be subject to a fee. A fee will be charged for these services, and the fee schedule is listed in the Sanitation Collection Policy of \$25.00 for a one-half truck load, or \$50.00 for a full truck load.

(Ord. of 11-13-2019(2) ; Ord. No. 2020-3, § 1, 6-22-2020)

Sec. 30-13. - Garbage and recycling containers; collection.

- (a) Every individual residence or premises where people reside shall be provided with a household garbage container or containers sufficient to accommodate seven days accumulation of garbage.
 - (1) Standard garbage collection service shall be provided for one container. Residents must place garbage inside the provided container for curbside household garbage collection. No loose bags or personal cans will be serviced by the City, unless placed in bags or containers approved by the City Manager or his or her designee.
 - (2) Premium garbage collection service shall be provided for two or more containers at an additional cost as determined by the City Council as described in section 30-12(a)(1)b.
 - (3) Every individual residence or premises where people reside shall be provided, upon request, with one recycling container for curbside collection of approved recyclables. Residents must use the provided container for curbside recycling collection. It shall be unlawful to place garbage or recycling for collection in a box, tub, crate or container that is not provided by the City. All garbage and recycling must be placed in the provided container(s) for collection. Any garbage, recycling, yard waste, or other waste defined in this chapter left at curbside shall be deemed waste material and shall, subject to the limitations of this chapter, be picked up by the City at a charge to the property owner or his authorized agent. Those owners or authorized agents exceeding the amount or type of garbage and/or waste allowed shall be deemed in violation of this article and shall be subject to those general penalties described in the Lawrenceville Code of Ordinances.
- (b) Garbage and recycling containers shall be placed at the curb no earlier than 5:00 p.m. the day before pickup. To insure pickup, containers should be placed at the curb no later than 7:00 a.m. on the day of collection.
- (c) Garbage shall be collected from the curbside, or other suitable location authorized by the City Manager or his/her designee, at residential premises once weekly.

(d) *Non-collectable and prohibited items.* Certain items, by their nature, prohibit disposal or collection by ordinary or routine means due to their size, weight, volume, bulk, putrescibility, injurious or hazardous characteristics. The following is a nonexclusive list of the type of items that shall not be collected by the service provider as part of its routine service. This includes curbside-recycling collection. Placement of these items or similar items in receptacles serviced by both the garbage and recycling providers is prohibited:

- (1) The placement of the following prohibited items in receptacles placed on the curb for pickup by the City is unlawful and punishable according to this Code in addition to any federal and state penalties. The public works department shall maintain, on file, information regarding proper disposal practices for prohibited items.
 - a. Vehicle batteries.
 - b. Toxic, caustic, infectious, contagious, explosive or otherwise hazardous waste: The service provider shall not collect nor handle toxic, caustic, infectious, contagious, explosive or otherwise hazardous waste for disposal. Such waste shall be disposed of in accordance with federal, state and local laws and procedures.
- (2) Items similar to, but not limited by the following, may be collected curbside with additional fees:
 - a. Household appliances and furniture.
 - b. Carpets or carpet scraps.
 - c. Bed mattresses and box springs.
- (3) Curbside collection of more than five items must be approved by the City Manager or his/her designee. Additional fees may apply.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-14. - Collection exceptions.

Exceptions to the curbside requirement may be granted, at the discretion of the City Manager or his/her designee of the City. Non-curbside service is available upon request and/or upon reasonable verification for the disabled or persons 65 years of age or older. A collection exemption form must be completed and submitted to the Sanitation Department.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-15. - Yard waste—Preparation and placement for collection.

- (a) ~~The collection of A~~ll leaves, pine needles and other small items of yard waste collection will be determined by the City Manager and/or designee based on the available City resources.
- (b) ~~The collection of T~~ree trunks and large limbs and other waste shall be prepared, sorted, and accumulated in a manner as determined by the City Manager and/or designee.
- (c) Tree contractors and professional landscaping businesses shall be responsible for disposal of their own waste.
- (d) Yard waste shall be collected by City trucks on days established by the City Manager and/or designee; provided, that at no time shall trash be placed in such a manner as to obstruct gutters, drains, walkways or streets. Tree limbs and branches which exceed three feet in length or eight inches in diameter will not be picked up by City crews.

([Ord. of 11-13-2019\(2\)](#))

Secs. 30-16—30-24. - Reserved.

ARTICLE III. - COMMERCIAL GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL

Sec. 30-25. - When commercial garbage receptacles required.

The owners and/or operators of commercial and industrial establishments and/or apartment houses, including public housing consisting of six or more living units, may, subject to the determination of the City Manager or his/her designee, obtain from the City commercial containers in sufficient number to adequately contain the garbage and refuse disposal at the location. The type, size, number and location of commercial containers required by this section shall be subject to the approval of the City Manager or his/her designee. It shall be the responsibility of the owner of the property to collect fees from tenants, leases or association owners. Common containers may be requested for commercial garbage service; however, a written request must be submitted to the City Manager or his/her designee for approval before such arrangement is allowed.

(Ord. of 11-13-2019(2))

Sec. 30-26. - Commercial fees.

(a) The collection fees for commercial establishments, factories and other business places whose service is provided by the City of Lawrenceville shall be such as may be set from time to time by the City Council.

(1) *Commercial service.* The Finance Department of the City shall maintain on file and make available to the public a record of the costs, fees, service charges and deposits for garbage collection and any additional fees for special circumstances. Non-payment of fees shall be cause for the imposition of late fees as determined by the City Council and shall also cause a penalty as determined by the City Council. Continued delinquent accounts shall be subject to imposition of a lien against the property served, in accordance with the City charter. Monthly charges shall be billed based on a one service a week. Monthly charges are:

a. Standard commercial property curbside pick-up:

1. The City will provide one 95-gallon container at no charge.
2. Monthly charge will be billed at \$20.00 per month.

b. Premium commercial property curbside pick-up:

1. The City will provide one 95-gallon container at no charge.
2. Premium commercial service accounts may elect to have more than one City provided 95-gallon container. For each additional container, account holder shall pay a one-time fee as determined by the City Manager and/or designee.
3. Monthly charge will be billed \$20.00 per month/per container.

c. Commercial dumpster service:

1. Beginning January 1, 2022 ~~the~~ the cost shall be billed \$~~119~~¹⁹⁰.00 per month/per dumpster. Dumpster will be serviced 1x/week.
2. Beginning January 1, 2023 the cost shall be billed \$115.50 per month/per dumpster. Dumpster will be serviced 1x/week.
2. If the dumpster is to be serviced multiple times/week, the fee shall be multiplied by the number of services.
3. Additional containers maybe purchased from the City at fee established by the City Manager or designee.

(b) *Urban commercial service.* Defined as the nine block downtown area between Oak Street and Luckie Street and Culver Street and Chestnut Street shall be served by City-owned facilities. The City will strive to install shared infrastructure where possible. The finance department of the City shall maintain on file and make available to the public a record of the costs, fees, service charges and deposits for garbage collection and any additional fees for special circumstances. Non-payment of fees shall be cause for the imposition of late fees as determined by the City council and shall also cause a penalty as determined by the City council. Continued delinquent accounts shall be subject to imposition of a lien against the property served, in accordance with the City charter. Each commercial establishment shall be assigned one of the following Tiers based on the North American Industry Classification System (NAICS) for the business. The City Manager or designee shall maintain a list of NAICS codes by category. Specific properties may apply for or be identified as Commercial Service, and if accepted by the City Manager or designee, then may be served by an individual dumpster(s) provided by the City as described in subsection (a) above. Monthly charges are:

- (1) Tier 1, \$300.00
- (2) Tier 2, \$150.00
- (3) Tier 3, \$100.00
- (4) Tier 4, \$20.00

(c) Additional services required to maintain the cleanliness of the shared dumpster facility shall be billed to each participant at one-quarter the monthly charge for each service (listed above).

(d) All garbage bills will follow the schedule set forth in chapter 38.

(e) *Large/bulk item fees.*

- (1) Large items that are in excess of the provided container, will be collected by the City and are subject to the laws of the City. A fee will be charged for these large/bulk items, and the fee schedule is listed in the Sanitation Collection Policy.

([Ord. of 11-13-2019\(2\)](#) ; [Ord. No. 2020-3, § 2, 6-22-2020](#))

Sec. 30-27. - Placement of commercial containers.

Commercial containers required by this article shall be placed as required by the City Manager or his/her designee. If a commercial container is placed at any location other than that directed by the City Manager or his/her designee or if sufficient access to the container is blocked or obstructed in any manner, the container will not be emptied. The failure of the City to pick up garbage or trash under such circumstances shall not affect the garbage container rental or rate for this service. For all new developments and properties that are redeveloped, a written sanitation plan is required and should be approved by the City Manager or his/her designee. At a minimum the sanitation plan should include proposed location and number of dumpsters/containers, frequency of service, sharing information (if applicable) and contact information.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-28. - Commercial containers not to be left on streets; exception.

Commercial containers containing garbage, trash, rubbish, refuse, ashes or other waste material shall not be left for collection upon any street, sidewalk, avenue or other public place, except as specifically authorized by the City Manager or his/her designee.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-29. - Night collections.

Whenever the City Council shall decide that the best interests of the public will be served by the collection of garbage from certain areas in the City at night, the City Manager or his/her designee shall be directed to make such collection.

The City Manager or his/her designee shall notify the occupants of the places of business within the designated area that the garbage will be picked up during certain hours and that the containers must be placed in the place designated for the pickup. All persons so notified shall comply with such order and shall place the containers as designated within such hours.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-30. - Special requirements.

- (a) No building materials or refuse from building, remodeling, repair operations or landscape work will be handled by city forces. All waste material of this nature shall be removed by the contractor, or in the event of his failure, by the owner of the property; provided, that the owner may make application to the City Manager or his/her designee may, if practical, remove the rubbish at the expense of the owner. The charge made for such service shall be determined in each case with relation to the service performed or if a hardship exists determined by the City Manager or his/her designee. See also section 30-40 regarding construction and demolition waste.
- (b) Industrial wastes from factories, processing plants, dry cleaning operations and other manufacturing operations shall be collected, removed and disposed of by the operator of the enterprise. See also section 30-41, "other waste"; disposal by owner; hospital waste; industrial waste.
- (c) The City Manager or his/her designee may remove any waste materials for which no provision is made in this section, provided the cost that is determined by the City Manager or his/her designee as being reasonable for the service performed is paid by the person making application for the removal of such waste material.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-31. - Commercial recycling and registration.

Any individual, entity, company, corporation, or group both private or commercial, who seeks to engage in the business of commercial recycling, as defined herein, may do business within the corporate limits of the City, upon registering with the City clerk, providing proof a valid commercial liability and automobile insurance, and certifying that it is engaged only in the business of commercial recycling as defined herein and is utilizing a recovered materials processing facility as defined herein. Each container placed within the City for purposes of commercial recycling shall contain a conspicuous notice designating the container as a container for recycled goods only. Should any individual, entity, company, corporation, or group, place a commercial recycling container at any commercial location that does not also maintain a waste disposal container, a rebuttable presumption shall exist that the commercial recycling container is being used for waste disposal in violation of this chapter.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-32. - Commercial collection and registration.

Any individual, entity, company, corporation, or group both private or commercial, who seeks to engage in the business of commercial waste collection, may do business within the corporate limits of the City, upon registering with the City clerk, providing proof a valid commercial liability and automobile insurance, and certifying that it is engaged only in the business of commercial waste collection. However,

no such registration should be allowed for the area designated under the Urban Collection Service as set forth in section 30-26(b). Additionally, the City may require any commercial waste hauler or collector to provide documentary evidence of appropriate and lawful disposal of commercial waste for the previous calendar year as a prerequisite to approving registration or at any time during the period in which the hauler or collector is doing business in the City.

([Ord. of 11-13-2019\(2\)](#))

Secs. 30-33—30-39. - Reserved.

ARTICLE IV. - OTHER PROVISIONS AND REQUIREMENTS

Sec. 30-40. - Construction and demolition waste.

- (a) *Collection of construction and demolition waste.* Any individual, entity, company, corporation, or group both private or commercial, who seeks to engage in the business of collecting and hauling construction and demolition waste, as defined herein, may do business within the corporate limits of the City, upon registering with the City clerk, providing proof a valid commercial liability and automobile insurance, and certifying that it is engaged only in the business of collecting and hauling construction and demolition waste as defined herein and is depositing all such waste in a landfill approved for disposal of such waste by the state and certified by the state department of natural resources.
- (b) *Proof of disposal.* The city may require any construction and demolition waste hauler or collector to provide documentary evidence of appropriate and lawful disposal of construction and demolition waste for the previous calendar year as a prerequisite to approving registration or at any time during the period in which the hauler or collector is doing business in the City.
- (c) *Violations and enforcement.*
 - (1) Should any individual, entity, company, corporation, or group either private or commercial other than the City or its designated garbage collector collect or haul or attempt to collect or haul construction and demolition waste, as defined herein, without registering with the City Clerk and providing a sworn statement as required above, said person or entity shall be in violation of this chapter, and may be cited and fined an amount of not less than \$500.00 per day nor more than \$1,000.00 per day. Each day that such violation continues shall be considered a separate offense.
 - (2) Should any individual, entity, company, corporation, or group haul or attempt to haul construction and demolition waste to an unauthorized or illegal site or disposal facility or should any individual, entity, company, corporation or group be unable to provide proof of proper disposal of construction and demolition waste under subsection (b) of this section said party shall be in violation of this chapter and may be cited and fined an amount of not less than \$500.00 per day nor more than \$1,000.00 per day and may also be subject to revocation of their registration and right to collect construction and demolition waste in the City.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-41. - "Other waste"; disposal by owner; hospital waste; industrial waste.

- (a) "Other waste," as defined in this chapter, shall be disposed of by persons in charge of the residence or establishment where such wastes are generated. Disposal shall be at the disposal facility designated by the City or as authorized by the City Manager or his/her designee.
- (b) It shall be unlawful for any person to dispose of any soiled linen, cotton or bandages, or waste or refuse of any kind from any hospital, sanitarium, infirmary, clinic or undertaker's shop, whether public or private, in any manner except by incineration, unless otherwise directed by the City Manager or

his/her designee. Kitchen wastes from such establishments are expressly exempt from this requirement.

- (c) Any individual, entity, company, corporation, or group both private or commercial, who seeks to engage in the business of collecting and hauling waste defined in this section, may do business within the corporate limits of the City, upon registering with the City clerk, providing proof of a valid commercial liability and automobile insurance, and certifying that it is engaged only in the business of collecting and hauling the type of waste allowed under this chapter. Additionally, the City may require any such waste hauler or collector to provide documentary evidence of appropriate and lawful disposal of such waste for the previous calendar year as a prerequisite to approving registration or at any time during the period in which the hauler or collector is doing business in the City.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-42. - Littering prohibition.

- (a) It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the City or the river, creek, branch, public water, drain, sewer or receiving basin within the jurisdiction of the City, any kind of leaves, dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the City in such a manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places; provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the City; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade and removed therefrom within two hours after being so deposited; or to articles or things deposited in or conducted into the City sewer system through lawful drains in accordance with the ordinances of the City relating thereto.
- (b) All business firms dispensing their product in cups, plates, wrappers, sacks and other similar forms of containers shall provide adequate metal or plastic containers upon the premises for collection of refuse. It shall be the express responsibility of all such business firms to collect all cups, plates, wrappers, sacks and other similar forms of containers dispensed by said business that may be discarded upon the premises or neighboring street and sidewalks. It further shall be the responsibility of said business to collect the aforementioned items from the premises of the neighboring property when the owners of the property specifically request and authorize the business personnel to enter upon their property for that purpose.
- (c) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this section or who violates any order or determination of the department promulgated pursuant to this article shall be punished as prescribed in section 1-16 and, in addition thereto, may be enjoined from continuing the violation. Each day a violation occurs shall constitute a separate offense. Any willful and wanton violation of this subsection resulting in the unlawful littering of the streets, sidewalks and neighboring property shall be deemed a nuisance and on conviction thereof by the City Court of Lawrenceville, the City Council may after notice and a hearing revoke the business license of the violator.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-43. - Dogs and other animals spreading garbage.

It is specifically declared that dogs and other animals which turn over garbage containers or spread garbage over the streets or rights-of-way of the City shall constitute a nuisance capable of abatement in the Municipal Court of the City, in addition to any penalties imposed under this Code.

([Ord. of 11-13-2019\(2\)](#))

Sec. 30-44. - Indemnification.

For properties with containers that are accessed off of City right-of-way, each property owner and affiliated person shall defend, indemnify and hold harmless the City, its officers, employees, agents, attorneys, consultants and independent contractors from and against all liabilities, whether special, incidental, consequential or punitive, and all other damages, costs and expenses (including reasonable attorneys' fees) arising out of or in connection with the garbage service, the installation, operation, upgrade, repair or removal of equipment or the provision of services through the equipment. The property owner and each affiliated person also shall cooperate with the City by providing such nonfinancial assistance as may be requested by the City in connection with any claim arising out of or in connection with the collection of garbage, or the negotiation or award of, this agreement.

([Ord. of 11-13-2019\(2\)](#))