STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO ADOPT A NEW SECTION, CHAPTER 15 SOLID WASTE MANAGEMENT, ARTICLE VI DUMPSTERS, SECTION 15-81 THROUGH 15-92; TO PROVIDE SEVERABILITY; TO PROVIDE PENALITIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Doraville, Georgia desires to promote a healthy, efficient, and aesthetically pleasing environment for its citizens;

WHEREAS, the City regularly reviews its ordinances in an effort to improve them and to ensure they remain current and reflective of conditions on the ground;

WHEREAS, the staff has made suggestions to the Council on the dumpster ordinance to improve the aesthetic appearance of dumpsters, to prevent vehicle and property damage, and to improve the efficient use of dumpsters by owners and haulers; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding an article to be numbered Article VI Dumpsters, Chapter 15 Solid Waste Management, Section 15-81 through 15-91, which said section reads as follows:

"Chapter 15 Solid Waste Management

. . .

Article VI. Dumpsters

Sec. 15-81. Definitions.

Dumpster – means a metal receptacle meeting the requirements of a commercial container pursuant to Section 15-1 and used for receiving garbage, rubbish or other debris designed to be lifted and emptied mechanically for use primarily at industrial, office, commercial establishments or multi-family units. Such receptacles are emptied onsite and do not customarily leave the site. Exterior located stationary trash compactors shall also be defined as dumpsters pursuant to this article relevant to screening requirements. Freestanding dumpsters and their enclosures are accessory uses and structures and are additionally regulated within the City of Doraville Zoning Ordinance. Nothing herein shall prohibit the attachment of an enclosure to a principal structure provided the dimensional requirements for the zoning district are satisfied as specified within the Doraville Zoning Ordinance. Attached enclosures may utilize one (1) or more building faces or facades to satisfy the screening requirements for one (1) or more screening elevations.

Construction Dumpsters – means commercial containers in conjunction with active construction pursuant to a City issued demolition, building, site development or land disturbance permit to infrequently collect and store construction debris for transport and dumping offsite. Such containers shall not be deemed to be a dumpster pursuant to this article for the application

of enclosure requirements. Such construction dumpsters shall normally be removed at the termination of the permit or issuance of a Certificate of Occupancy as shall be deemed appropriate by the City Building Official. Dumpsters located on sites without an active City issued permit shall not remain on any site more than nine (9) contiguous calendar days.

Sec. 15-82. Dumpster Sites.

(a) Any dumpster located on the premises of any industrial, commercial, office, office-warehouse, or multi-family site shall be screened in accordance with the Container Enclosure Plan of subsection 15-83 and as illustrated in Exhibit "A" attached. Single-family detached and two-family (duplex) attached dwelling units shall be forbidden from having an onsite dumpster for the customary, ongoing purpose of waste management; however, triplex and larger units shall be deemed multi-family for purposes of this article and a dumpster/enclosure shall be required. All non-residential properties shall have at least one (1) dumpster and all dumpster(s) shall comply with this article unless there are exclusions set forth herein. Churches and other places of worship located on residential zoned land(s) shall be considered the same as commercial uses and the dumpster requirements shall apply as defined herein. In addition, approved conditional zoning applications may have more restrictive criteria placed thereon for dumpster screening as a condition of zoning than customarily set forth within this article.

(b) All construction which is issued a Land Disturbance Permit pursuant to the City's Local Issuing Authority (LIA) shall be deemed to be new construction and shall comply with the City dumpster screening requirements for new construction.

(c) Any new development other than alterations, repairs, or remodels which has been issued a Land Disturbance Permit prior to the effective date of this article which has not

received either a Certificate of Completion and/or a Certificate of Occupancy shall comply with the dumpster screening requirements for new construction.

(d) Existing development within the City of Doraville which pre-dates the effective date of this article shall not be required to meet the standards of this article exclusive of demolition.

Sec. 15-83. Container enclosure plan.

(a) Dumpsters on sites of new construction shall be placed on a raised concrete pad which is a minimum of 12' 6" wide x 10' in depth. The pad shall transition to other paved travel ways at its point(s) of ingress/egress. The concrete pad shall be at least six (6) inches thick and 3000 psi test strength in order to withstand 10,000 pounds single wheel loads. No dumpster drain or grease trap shall be permitted unless specifically required in writing by the DeKalb County Department of Health. Additionally, no roof structure shall cover a dumpster or its enclosure unless specifically required in writing by the DeKalb County Department of Health. There shall be a minimum of three (3) foot of clearance between the leading edge of the dumpster container and the screening wall. There shall be a clear and level, easily accessible, loading area in front of each dumpster enclosure which is paved with concrete in order to facilitate the use of the dumpster by a servicing vehicle, hauler or collector. The dumpster enclosure approach shall not exceed five (5) percent maximum slope of the vehicle container pad. There shall be a minimum of twenty-five feet of vertical clearance above the dumpster pad in order to facilitate the mechanical empty of the container. The dumpster shall be screened from public view by a masonry wall (either concrete block or poured in place concrete) which has been faced with brick or stacked stone on all exterior elevations whichever is determined complimentary to the principal structure(s) by the City Planner. Screening walls shall be a

minimum of eight (8) foot high and a maximum of ten (10) foot high. The brick or stacked stone exterior elevations shall never be painted. Interior elevations of a dumpster enclosure may be sealed with paint which is gray in color and is rated for exterior use. Operable screening gates shall be provided at all points of ingress/egress to the dumpster enclosure as per the Container Enclosure Plan which shall remain closed except when in use by a servicing vehicle. Gates shall be of a durable iron, steel or metal construction which are opaque and are sealed in a black paint finish color. Gates shall be constructed in a manner to insure that the gate can support its own weight, in a free swinging position. All gates shall have a minimum of one (1) cross member for bracing. Gates should also swing clear of fire lanes. Exterior located mechanical dumpster compactors (stationary compactors pursuant to Section 15-1) shall be subject to these same requirements for screening as such to be modified to accommodate the overall size of the trash receptacle. Proposed designs for compactor screening will be reviewed and approved by the City Building Official or his designee in accordance with the requirements of this article.

(b) New development within the City with dumpsters located in a side yard shall follow the Container Enclosure Plan specifications. Dumpsters located in rear yards only may have concrete block enclosures which have been painted to match one (1) neutral color found on the principal structure to which it is accessory. The concrete block may also be textured with hard-coat stucco provided the stucco is painted as required herein. EIFS and synthetic stucco exteriors shall be prohibited.

(c) Enclosures shall be constructed of 8" concrete masonry units (CMU) extending to a minimum height of 8' above finished grade. CMU shall be reinforced with 1 #5 at corners and 4' centers in between (on center) from footing to tie beam and filled with grout. These guidelines are applicable as well for brick or stone faced enclosures as along as a concrete ledge is

provided to support the face material. Poured in place construction shall be reviewed by the City Building Official.

(d) A sample Container Enclosure Plan is illustrated in Exhibit "A" and attached and incorporated here by reference.

Sec. 15-84. Fire lanes or rights-of-way.

Dumpsters and their enclosures shall not be located within required fire lanes or rights-of-way.

Sec. 15-85. Building fees.

Each dumpster enclosure shall constitute a separate item for purposes of fee calculation.

Sec. 15-86. Timeframe.

For new construction or items deemed to fall under the general category of "new construction," compliance is mandated by the effective date of this article. Each day of non-compliance thereafter from adoption shall constitute a separate violation and offense.

Sec. 15-87. Prohibition.

Grease or oil shall not be placed in dumpsters but shall be placed in oil or grease storage vats. Paints and other solvents (both flammable and inflammable) shall never be placed within dumpsters. Any Federally regulated solid or liquid shall not be placed within a dumpster for disposal except as may be provided for by Code.

Sec. 15-88. Dumpster Condition.

Dumpsters shall be easily cleanable, shall be provided with tight fitting lids, doors, or covers which shall be kept closed when not in actual use. Soiled dumpsters shall be cleaned at a frequency to minimize insect and rodent attraction. In dumpsters designed with drains, the drain plugs or drain screening shall be in place at all times, except during cleaning.

Sec. 15-89. Maintenance of Site.

The area surrounding the dumpster shall be maintained free and cleaned of any accumulation of refuse. Any refuse placed on top of the dumpster and/or beside the dumpster and/or its enclosure shall be removed and placed in the dumpster.

Sec. 15-90. New Dumpsters.

Any dumpster placed in service after the effective date of this article shall comply with the new construction requirements when placed in service. No exemptions shall be granted.

Sec. 15-91. Unauthorized Use of Dumpsters; Scavenging Prohibited.

(a) It shall be unlawful for any person to throw, deposit or otherwise leave trash in dumpsters that are leased and paid for private use, except by permission of the owner. This prohibition includes dumpsters on City property. Only dumpsters marked "For Public Use" shall be used and it shall be unlawful to import household trash to these dumpsters.

(b) It shall be unlawful for any person to scavenge or remove solid waste from dumpsters. Trash in these dumpsters is the property of the company providing the service.

(c) Each dumpster shall display one (1) professionally lettered sign in easy to read printing, which sign shall contain the following information:

> *"Unauthorized and unlawful use of this dumpster is a violation of*
>
> *Sec. 15-81, et seq. of the Code of Ordinances, City of Doraville.*
>
> *Warning: Violators will be Prosecuted."*

(d) Any person found guilty of violating the provisions of this section shall on conviction thereof be punished as prescribed in Sec. 1-12 of the Municipal Code of the City of Doraville, Georgia.

Sec. 15-92. Penalties.

Any violation of this Ordinance by the owner or occupant of any subject premises shall be subject to punishment as provided in Sec. 1-12 of the Municipal Code of the City of Doraville, Georgia.

. . . "

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this _____ day of _____, 2009.

CITY OF DORAVILLE

_____

Ray Jenkins, Mayor

First Reading

Second Reading

ATTEST:

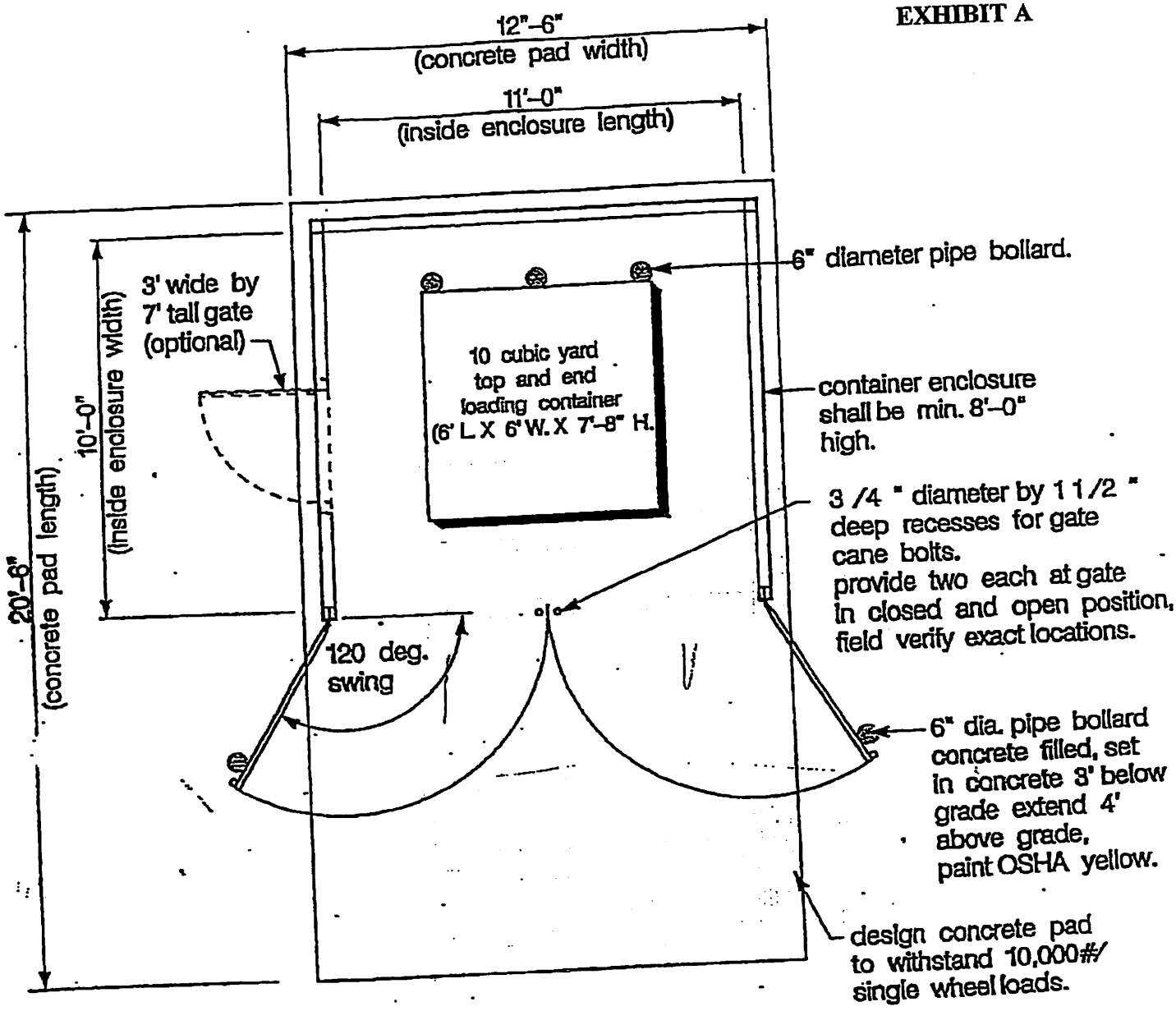
_____ (SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐

EXHIBIT A



CONTAINER ENCLOSURE PLAN

SCALE : 1/4" = 1'-0"