

Chapter 58

SOLID WASTE*

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*Cross references—Buildings and building regulations, ch. 10; environment, ch. 26.

State law references—Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local, multijurisdictional and regional solid waste plans, O.C.G.A. § 12-8-31.1; authorization to provide garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III(a)(2); solid waste management education program; establishment of Georgia Clean and Beautiful Advisory Committee and Interagency Council on Solid Waste Management, O.C.G.A. § 50-8-7.3.

COLQUITT COUNTY CODE

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ARTICLE I. IN GENERAL

Sec. 58-1. Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance or resolution creating or amending the solid waste management plan of the county. All such ordinances or resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Secs. 58-2—58-30. Reserved.

ARTICLE II. RESIDENTIAL SOLID WASTE SPECIAL TAX DISTRICT

DIVISION 1. GENERALLY

Sec. 58-31. Application.

This article applies to the preparation, storage, collection, transportation, and disposal of all residential solid waste in the area under the jurisdiction of the county within the special tax district of the county. It prescribes rules and regulations therefor, regulates the private collection of solid waste, prohibits private solid waste collection, and prohibits the dumping of solid waste within the district.
(Ord. of 2-21-94, § 1-1)

Sec. 58-32. Definitions.

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

Brown goods means sofas, chairs, mattresses and the like.

District means area included within the Colquitt County Solid Waste Disposal Tax District as described in section 58-35.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

Refuse means discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.

Residential unit means a dwelling or occupied living space within the district, used or constructed for use as a residence for one family. The phrase "residential unit" also includes the real property upon which the dwelling unit or occupied living space is located.

Rubbish means nonputrescible solid wastes consisting of combustible and noncombustible materials.

Solid waste means garbage, rubbish or refuse as defined in this section.

(Ord. of 2-21-94, § 2; Ord. No. 2003-6, 12-31-03)

Cross reference—Definitions generally, § 1-2.

Sec. 58-33. Findings.

The board of commissioners hereby finds that the public health of the citizens of the special tax district described in section 58-35 would be adversely affected should individual citizens be allowed to dispose of solid waste upon their own private property. The board of commissioners finds that it would be in the public interest for the board to pass an ordinance further regulating garbage and solid waste collection and disposal in the special tax district.

(Ord. of 2-21-94, § 1)

Sec. 58-34. Creation.

There is hereby created, pursuant to article 9, section 2, paragraph 6 of the Constitution of the State of Georgia (1983), a special tax district within the county, which shall be known as the "Colquitt County Solid Waste Disposal Tax District."

(Ord. of 2-21-94, § 1-2)

Sec. 58-35. Boundaries; qualified private company.

The boundaries of the district shall be all of the property situate, lying and being in the unincorporated area of the county, less and except property owned by persons who had, prior to February 18, 1994, contracted with a qualified private company for residential solid waste disposal services,

and who are still receiving such services. The term "qualified private company" shall mean Clayton Murphy, doing business as Murphy's Garbage Service, and/or W. M. Revill. The boundaries of the district shall be deemed to further expand and include, from time to time, all property owned by persons who had, prior to February 18, 1994, contracted with a qualified private company for residential solid waste disposal services, but no longer receive such services from that qualified private company.

(Ord. of 2-21-94, § 1-3; Mo. of 2-21-94)

Sec. 58-36. Use of receipts.

All taxes and fees imposed hereinbelow within the district shall be used and appropriated to pay the cost of collection storage and/or disposal service within the district, and the necessary related expenses associated therewith, including but not limited to the purchase of solid waste collection, storage and/or disposal vehicles, trailers and other equipment; the construction and operation of solid waste collection, storage and/or disposal collection and/or transfer stations; transportation costs to the disposal site and/or transfer site; tipping fees and disposal charges; and such other costs and expenses as may be deemed needed from time to time by the board of commissioners in order to collect, store and/or dispose of the solid waste generated within the district.

(Ord. of 2-21-94, § 1-4)

Sec. 58-37. Preparation and storage generally.

It shall be the duty of both the occupant and owner of every residential unit located in the district to keep all solid waste generated by each such residential unit pending collection and disposal by the county, its franchisee, licensee, permittee, or contract collector as follows:

- (1) All solid waste shall be free from excessive liquid and placed in watertight plastic bags and the top secured and placed in a solid waste container. One 100-gallon roll container shall be provided to each residential unit by the county or its franchisee or contract collector for use by that unit for solid waste storage and disposal purposes.

- (2) Solid waste shall be bagged and stored in wheeled containers furnished by the county, franchisee, or contract collector which shall be covered at all times. Such containers must be kept clean. Cardboard boxes which because of size cannot be placed in the wheeled containers furnished by the county, franchisee, or contract collector shall be placed along side the container. Brown goods to be disposed of shall also be placed neatly alongside the wheeled container. Containers must be placed at the curbside by 7:00 a.m. on regular collection days or on the next collection day if the regular collection day falls on a holiday.

(Ord. of 2-21-94, § 4)

Sec. 58-38. Collection of refuse generally.

(a) The county shall have the exclusive right to collect and dispose of all residential solid waste within the district either through employees of the county or franchise or contract with or license or permit issued to a person engaged in the business of residential solid waste collection and disposal. No person shall collect, remove, transport or dispose of any residential solid waste within the district except as provided for herein and except with the express permission of the county.

(b) The county or its franchisee or other designated contract collector will collect solid waste within the district under the following conditions:

- (1) Solid waste will be collected once each week from residential units. Brown goods will also be collected from time to time.
- (2) The county or its franchisee or other designated contract collector may decline to collect:
 - a. Solid waste contained in unauthorized containers;
 - b. Any containers that contain excessive liquids; or
 - c. Any residential solid waste not properly contained.

(3) The county shall not be responsible for collection of:

- a. Discarded building material, dirt, rock, or appliances from private property;
- b. Building materials, trees, tree trimmings, yard trimmings, bushes, or other vegetation; or
- c. Trash or waste material from commercial tree trimmers, landscapers, or building contractors.

(Ord. of 2-21-94, § 5)

Sec. 58-39. Fees generally.

(a) The fees for collection of residential solid waste levied pursuant to the terms of this article, and all late charges and interest accruing thereon are hereby deemed and constituted a tax and are hereby levied severally against the owner and occupant of each residential unit, including all residential units located in mobile home courts and/or trailer courts, and against the owner of the real property upon which each residential unit is located.

(b) The fees, late charges and interest prescribed in this section shall be treated in all respects as provided by law with respect to ad valorem and state taxes, and uncollected fees, late charges and interest shall constitute a continuing lien against the real property upon which each residential unit is located; on the personal property composing a residential unit, and upon the personal property of the occupant of each residential unit, until paid.

(c) Writs of fieri facias may be issued by the county for fees which are past due and collection may be effected as provided by law for ad valorem or other state taxes, as provided by O.C.G.A. § 12-8-39.3 or other applicable law.

(d) The monthly fees for solid waste collection hereby levied shall be due and payable on the first day of each month, and if the same are not paid by the tenth of each month, there is hereby levied a late charge equal to ten percent of the amount due or \$1.00, whichever is greater. Additionally, inter-

est will be charged against all uncollected fees over 30 days past due at the same rate of interest borne by uncollected ad valorem taxes.

(Ord. of 2-21-94, § 7-1; Ord. No. 2003-6, 12-31-03)

Sec. 58-40. Fee rates.

The fees for the collection and disposal of residential solid waste within the district shall be established from time to time by action of the board of commissioners. The initial fee shall be \$12.50 per month per residential unit.

(Ord. of 2-21-94, § 10)

Sec. 58-41. Fee exemptions.

(a) *Low, moderate income.* Persons with low or moderate income shall be charged for services under this article as follows:

<i>Total Monthly Combined Household Income</i>	<i>Monthly Charge</i>
(1) Less than \$699.00	\$ 0.00
(2) \$700.00 to \$899.00	6.00
(3) \$900.00 and above	12.50

(b) *Senior citizen exemption.* Any senior citizens, age 65 or older, with a combined household income of \$999.00 or less per month, and who can provide proof they can dispose of their garbage in a neighbor's or family member's mobile garbage container will be exempted from the county's solid waste collection fee in its entirety.

(c) *Hardship exemption.* Any person with a condition that constitutes a hardship, in the sole opinion of the board of commissioners, may petition the board for an exemption of all or a portion of the county's solid waste collection fee. Each petitioner shall be required to provide adequate information on forms provided by the administrator's office to assist the commissioners in making a determination as to the hardship exemption. All exemption requests shall be approved or disapproved by the county administrator or his designee and shall be effective for a 12-month period of time following the granting of the exemption.

(Ord. of 2-21-96, § 8; Mo. of 8-1-95; Mo. of 2-5-96)

Sec. 58-42. Late fees.

The monthly fees billed to each residential unit under this article shall be considered "late" after the tenth day of each month.
(Ord. of 2-21-94, § 7-2)

Sec. 58-43. Payment.

The board of commissioners, or its franchisee, or contract collector shall prepare and mail to each residential unit in the district a statement showing the amounts of the monthly installments due for residential solid waste collection services. These statements shall be prepared monthly in advance and each monthly payment shall be paid in advance by the owner or occupant of each residential unit. A late payment penalty and an assessment of interest shall be imposed upon each account for which payment is not made within the time limits prescribed herein. Owners or occupants of each residential unit may pay the entire amount due for the calendar year in advance if they so desire.
(Ord. of 2-21-94, § 6)

Sec. 58-44. Nonliability.

(a) Whenever the owner or occupant of a residential unit from which solid waste is collected by the county, franchisee, or contract collector authorizes or permits the use of private driveways or other portions of private property for such collection, such authorization or permission, whether express or implied, shall be deemed to constitute a waiver on the part of the owner or occupant of the residential unit of any claim for damages against the county, its officers, agents, employees, franchisees and contractors which result from the use of such private property in the collection process.

(b) The county and any person or entity acting as its franchisee or contractor pursuant to franchise or contract shall be deemed to have been invited and authorized to enter upon private property for the purpose of collection of solid waste in those cases where other than curbside collection has been requested by the owner or occupant of a residential unit and approved by the county and/or its franchisee or contract collector.
(Ord. of 2-21-94, § 9)

Sec. 58-45. Use of facilities required.

The owner and occupant of each residential unit, including residential units located in mobile home courts and trailer courts, shall dispose of solid waste only by the means of a collection and disposal service provided by the county, franchisee, permittee, or designated contractor.
(Ord. of 2-21-94, § 11-1)

Sec. 58-46. Termination of service.

Whenever a residential unit becomes vacant, destroyed by fire or other casualty, or is demolished or for some other similar reason no longer generates solid waste, it is incumbent severally upon the owner and former occupant of such residential unit to notify the county in writing of the same. The county may cause such investigation of the report as it deems appropriate and if the county finds the same to be consistent with the provisions hereof, the residential unit in question shall be removed from the solid waste collection list and the fee charge shall thereupon cease. Until such notice shall have been received by the county, however, the fee shall continue to be charged and shall continue to be collectible, notwithstanding the fact that service is not in fact rendered to the residential unit. Similarly, if service has been discontinued pursuant to a notice as provided in this section but is thereafter resumed, or if land which was previously vacant has been improved with a residential unit and begins to receive service, it shall be incumbent on the owner and occupant, severally, to notify the county of such commencement of or resumption of service. The fee prescribed in this article shall be payable for such property from and after the date of resumption of service, whether or not notice has been received.
(Ord. of 2-21-94, § 11-2)

Sec. 58-47. Resumption of service.

The county may charge a fee for resumption of service to the owner and/or occupant of a residential unit where service has been previously discontinued. The amount of such fee shall be that as set from time to time by the board of commissioners.
(Ord. of 2-21-94, § 11-3)

Sec. 58-48. Unlawful disposal of refuse, garbage or rubbish.

It shall be unlawful for any person to dump or bury or cause to be dumped or buried any garbage, refuse, or rubbish anywhere in the area of the district.

(Ord. of 2-21-94, § 3)

Sec. 58-49. Violations of article generally.

(a) It shall be unlawful for any person to wilfully and intentionally violate any of the provisions of this article.

(b) It shall be unlawful for any person wilfully and with intent to defraud the county, to evade or defeat or attempt to evade or defeat any tax, fee, penalty or interest due the county or the payment thereof, imposed by this article.
(Ord. of 2-21-94, §§ 13-1, 13-2)

Sec. 58-50. Unlawful burning.

It shall be unlawful for any person to burn or attempt to burn or cause to be burned any material of any nature in any container belonging to or used by the county or its franchisee and/or designated contract collectors for residential solid waste collection purposes.
(Ord. of 2-21-94, § 13-3)

Sec. 58-51. Penalty for violations.

Each violation of any of the provisions of this article shall be punishable as provided in section 1-11. Violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations, as provided in O.C.G.A. § 15-10-60 et seq. Citations shall be issued by the county administrator or his designee. Service upon corporations, partnerships, and other entities and organizations shall be effected by serving any managing agent located in the county, or by serving the registered agent, or any officer or partner of the corporation, partnership, organization or entity. The provisions of this article may also be enforced through the use of other remedies, such as injunctive relief, provided by the laws of this state.
(Ord. of 2-21-94, § 13-5)

Sec. 58-52. Violations by entities.

Whenever a corporation, partnership, organization or other artificial entity shall violate any of the provisions of this article such violations shall be deemed to be also that of the individual directors, officers, or agents of such corporation, partnership, organization or other artificial entity who shall have authorized, ordered, or done any

of the acts constituting in whole or in part such violation. In such cases, service shall also be made upon the individual director, officer or other agent accused of authorizing, ordering or doing acts constituting in whole or in part violations of this article.

(Ord. of 2-21-94, § 13-6)

Secs. 58-53—58-70. Reserved.**DIVISION 2. CONTAINERS****Sec. 58-71. Use required.**

It shall be the duty of every owner, occupant, tenant and lessee of each residential unit to remove and place all solid waste generated by the occupants of each such residential unit in bags placed in the wheeled container furnished for solid waste removal and to place the wheeled container at the location designated for collection on designated pickup days.
(Ord. of 2-21-94, § 12-1)

Sec. 58-72. Placement.

The owner, occupant, tenant or lessee of each residential unit shall, not later than 7:00 a.m. on the normal pickup days designated by the county, franchisee, or contract collector, place the container at the location established by the county, franchisee, or contract collector for pickup. Containers shall be removed from the location to the premises of the owner, occupant, tenant or lessee of each such residential unit no later than 8:00 p.m. on the normal day of pickup, subject only to the exception's enumerated in section 58-73.
(Ord. of 2-21-94, § 12-2)

Sec. 58-73. Exceptions.

The following are excepted from section 58-72:

- (1) Any person with documented disabilities, because of age or physical condition, living in a residential unit where there is no resident or occupant thereof physically capable of placing the container at the designated pickup location shall notify the county and if the county shall find that there is no one in or upon the residential unit on a regular basis physically capable of placing

the container at the designated pickup location, then the county may arrange for the solid waste to be picked up at the place on the premises of the residential unit where the container is maintained by the occupant.

- (2) The county may establish exceptions for designated residential units which are determined to be unsuitable for curbside pickup, taking into consideration the terrain features or other physical impediments, and at such premises, pickup service shall be provided to residential units as determined by the county or, in the alternative, the occupant may be instructed to place only plastic, securely tied bags at a designated location on scheduled pickup days.

(Ord. of 2-21-94, § 12-3)

Sec. 58-74. Removal from premises.

The wheeled containers furnished by the county, franchisee, or contract collector shall not be removed from the premises of the residential unit to which they are delivered and it shall be the duty of the occupant of the residential unit, if the dwelling is to be vacated by the occupant, to notify the county seven days prior to the vacancy.

(Ord. of 2-21-94, § 12-4)

Sec. 58-75. Replacement.

If a container previously furnished by the county, its franchisee, or contract collector to any residential unit is damaged, destroyed or stolen, it shall be the duty of the owner or occupant of the premises to immediately notify the county and to cooperate with the board of commissioners and the county sheriff in investigating the cause of the damage, destruction or theft. Further, the owner or occupant shall, if requested to do so, appear in the appropriate court as a witness should a prosecution result from the investigation. A replacement container shall be furnished to the residential unit and such unit may be charged a replacement fee as determined by the county.

(Ord. of 2-21-94, § 12-5)

Sec. 58-76. Additional containers.

Additional containers may be obtained by each residential unit upon payment of an additional monthly fee to the county, as may be set from time to time by the board of commissioners.

(Ord. of 2-21-94, § 12-6)

Sec. 58-77. Damaging containers.

It shall be unlawful for any person to wilfully, and intentionally damage or destroy or to allow or permit damage to or destruction of any container provided by the county, its franchisee, or designated contract collector.

(Ord. of 2-21-94, § 13-4)

Secs. 58-78—58-95. Reserved.

ARTICLE III. COMMERCIAL SANITATION FIRMS*

Sec. 58-96. Exemptions.

None of the provisions of this article shall apply to private individuals disposing of garbage or rubbish generated by their own household.

(Code 1981, § 9-24)

Sec. 58-97. Permit required.

No person shall engage in the business of collecting, transporting garbage and other refuse without a permit issued by the board of commissioners.

(Code 1981, § 9-25)

Sec. 58-98. Permit application.

A person desiring the permit required by the provisions of this article shall submit an application to the board of commissioners. Applications made out on the prescribed form shall be submitted at the county courthouse, office of county commissioners during working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. The application shall have attached a list showing the type, size and location of garbage and refuse containers, and/or industrial waste containers to be serviced by the applicant. A commercial sanitation

*Cross reference—Businesses, ch. 14.

firm applying for a permit hereunder shall certify at the time of application that the applicant, or any agent or representative of such firm, is not engaged in any illegal servicing of any commercial containers or refuse collection of any type in the county.

(Code 1981, § 9-26)

Sec. 58-99. Permit fee.

A person desiring the permit required by the provisions of this article shall pay to the board of commissioners the sum of \$5.00.

(Code 1981, § 9-27)

Sec. 58-100. Permit expiration.

The permit required by the provisions of this article shall expire at the end of each calendar year.

(Code 1981, § 9-28)

Sec. 58-101. Landfill charges.

Charges for the use of county landfill will be established from time to time by the board of county commissioners. Such rates will be posted at the entrance to the landfill and also be available at the office of the county administrator. The county administrator is further authorized and directed to establish certain rules and regulations concerning the use of said landfill as may become necessary. Such rules and regulations shall be reviewed and issued subject to the approval of the board of county commissioners. A copy of any and all such rules and regulations shall be posted at the entrance to the landfill and shall be maintained at the county administrator's office.

(Code 1981, § 9-30)

Sec. 58-102. Truck identification.

Each truck used to collect and transport solid waste shall bear an identification acceptable to the board of commissioners which shows it has been authorized to operate in the county, and shall also bear the name and telephone number of the owner of the truck.

(Code 1981, § 9-31)

Secs. 58-103—58-119. Reserved.

ARTICLE IV. YARD TRIMMINGS DISPOSAL REGULATIONS

Sec. 58-120. Definitions.

(a) *Commercial solid waste.* All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.

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

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

(d) *Municipal solid waste.* Any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks, and includes solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

(e) *Municipal solid waste disposal facility.* Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

(f) *Municipal solid waste landfill.* A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

(g) *Yard trimmings.* Leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

(Ord. No. 96-7, 9-1-96)

Sec. 58-121. Placement and disposal of yard trimmings—Prohibitions.

(a) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the unincorporated areas of the county.

(b) Yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within the unincorporated areas of the county.

(Ord. No. 96-7, 9-1-96)

Sec. 58-122. Sorting, storing, composting and collecting yard trimmings.

The county does not collect yard trimmings as defined in this article.

(Ord. No. 96-7, 9-1-96)

Sec. 58-123. Penalties.

Any person who violates section 58-121 shall be punished in the manner prescribed by state law for violation of county ordinances.

(Ord. No. 96-7, 9-1-96)

AMENDMENTS TO SOLID WASTE ORDINANCE

BE IT ORDAINED THAT, in order to amend the Solid Waste Ordinance to amend the definition of "Residential unit" and to amend the provisions for fee exemptions, Chapter 58 of the Colquitt County Code of Ordinances is amended as follows:

1. Section 58-32 of Article II of Chapter 58, of the Colquitt County Code of Ordinances is hereby amended to delete the definition of "Residential unit" in its entirety and to restate the definition as follows:

"Residential unit means a dwelling or occupied living space within the district, used or constructed for use as a residence for one family and shall also include all manufactured homes and mobile homes (as defined in Section 34-51 of the Code of Ordinances, Colquitt County, Georgia) used for human habitation. The phrase "residential unit" also includes the real property upon which the dwelling unit, occupied living space, manufactured home or mobile home is located."

Except as set forth above, all other provisions of Section 58-32 of Article II of Chapter 58, of the Colquitt County Code of Ordinances shall remain in full force and effect.

2. Section 58-41 of Article II of Chapter 58, of the Colquitt County Code of Ordinances is hereby amended to delete Subparagraphs (a) and (b) in their entirety and to restate them as follows:

- (a) *Low, moderate income.* Persons with low or moderate income shall be charged for services under this article as follows:

Total Monthly Combined Household Income	Monthly Charge
(1) Less than \$800.00	\$0.00
(2) \$801.00 to \$1000.00	\$10.00
(3) \$1001.00 and above	\$20.00

- (b) *Senior Citizen Exemption.* Any senior citizen, age 65 and older, with a combined household income of \$1,100.00 or less per month, and who can provide proof they can dispose of their garbage in a neighbor's or family member's mobile garbage

container will be exempted from the county's solid waste collection fee in its entirety.

Except as set forth above, all other provisions of Section 58-41 of Article II of Chapter 58, of the Colquitt County Code of Ordinances shall remain in full force and effect.

The above stated amendments shall be effective immediately.

Adopted, this 6th day of January 2015.

Colquitt County Board of Commissioners

Terry Clark, Chairman

For: _____

Against: _____

ATTEST:

Melissa Lawson, County Clerk

