

TITLE 4

Public Works

Chapter 1	Streets and Sidewalks
Chapter 2	Refuse Collection and Disposal
Chapter 3	Parks

CHAPTER 1

Streets and Sidewalks

State Law Reference: Constitutional powers regarding streets, Const. of 1982, Art. IX, Sec. II, Para. III(4); authority of municipalities to own, operate and maintain streets, OCGA, Sec. 36-34-3; street obstructions, OCGA, Sec. 36-30-10; municipal street administration, OCGA, Sec. 32-4-90 et seq.; assessments for improvements, OCGA, Title 36, Ch. 39.

- § 4-1-1 Permit to dig in streets.
- § 4-1-2 Same; application for permit.
- § 4-1-3 Same; city indemnified.
- § 4-1-4 Street repair.
- § 4-1-5 Excavations; leaving unprotected.
- § 4-1-6 Sidewalk construction.
- § 4-1-7 Streets and sidewalks not to be damaged.
- § 4-1-8 Violation.

Sec. 4-1-1 Permit to dig in streets.

No person, firm or corporation shall make any excavations or openings or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purposes, unless a written permit therefor has been issued by the city clerk. A permit shall not be required where the work is performed under a contract with the city but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the city clerk and the police department at least two (2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

Sec. 4-1-2 Same; application for permit.

All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in section 4-1-1, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut.

Sec. 4-1-3 Same; city indemnified.

Any person, firm or corporation obtaining a permit as provided for in sections 4-1-1 and 4-1-2 agrees, as a condition of the issuance of the permit to indemnify and hold harmless the

city against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

Sec. 4-1-4 Street repair.

When any part of any street, sidewalk, alley or other public place of the city shall be torn or dug up for any purpose, the person, firm or corporation making that excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening. Any person, firm or corporation, neglecting, refusing or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the city clerk, every day's continuance thereafter shall constitute a separate and distinct offense.

Sec. 4-1-5 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the city without placing and maintaining proper guard rails and signal lights or other warnings at, in or around the work, sufficient to warn the public of any excavation or work, and to protect all persons using reasonable care from injuries on account of work.

Sec. 4-1-6 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or other material without a written permit from the city.

Sec. 4-1-7 Streets and sidewalks not to be damaged.

It shall be unlawful for any person, firm or corporation to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bitulitic, warrenite or other type of permanently paved street or sidewalk of the city which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Sec. 4-1-8 Violation.

All persons found guilty of a violation of this chapter shall be punished as provided in section 1-1-5 of this code.

## CHAPTER 2

### Refuse Collection and Disposal

State Law Reference: Authority of municipalities to provide for garbage and solid waste collection and disposal, Const. of 1982, Art. IX, Sec. II, Para. III(2).

Historical Note: The provisions codified in this chapter are derived from an ordinance adopted 12/13/74.

- § 4-2-1 Definitions.
- § 4-2-2 Functions of the responsible authority.
- § 4-2-3 Funds; appropriation, borrowing, other means.
- § 4-2-4 Permits.
- § 4-2-5 Prohibitions; private responsibility.
- § 4-2-6 Enforcement; service of notices and orders; hearings.
- § 4-2-7 Inspection.
- § 4-2-8 Refuse acceptable for collection by the city.
- § 4-2-9 Refuse not acceptable for collection by the city.
- § 4-2-10 Refuse storage.
- § 4-2-11 Refuse collection.
- § 4-2-12 Frequency of collection.
- § 4-2-13 Place of collection.
- § 4-2-14 Refuse disposal.
- § 4-2-15 Equipment.
- § 4-2-16 Penalties.
- § 4-2-17 Effective date.

#### Sec. 4-2-1 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(1) Person shall mean any institution, public or private corporation, individual, partnership, or other entity.

(2) Premises shall mean land, buildings, or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored for collection.

(3) Refuse shall mean all solid wastes of a community, including garbage, ashes, rubbish, dead animals, street cleanings, and solid market, and industrial wastes, but not including body wastes.

(4) Responsible authority shall mean the legally designated person of the city who shall be authorized and directed to implement and enforce the provisions of this chapter, or its authorized representative.

#### Sec. 4-2-2 Functions of the responsible authority.

The responsible authority of the city, in order to protect the health and safety of the people in this city, is authorized

(c) Any person whose application for a permit has been denied may request, and shall be granted, a hearing before the mayor and council under the procedure provided by section 4-2-6 of this chapter.

(d) A permit issued under this chapter shall expire on the last day of each fiscal year. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in subsection (a) of this section.

(e) It shall be unlawful to transfer permits from one person to another, for the purpose of operating a refuse collection or disposal operation.

Sec. 4-2-5 Prohibitions; private responsibility.

(a) The owner or his agent, or the occupant, of any premises within the city shall be responsible for the sanitary condition of the premises occupied by him, and it shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his premises any refuse except as designated by the terms of this chapter.

(b) Any person responsible for (i) refuse on premises not served by the refuse collection system of the city, or for (ii) refuse not acceptable for collection by the city, shall make arrangements for the collection and disposal of such refuse with a refuse collector who holds a valid registration certificate issued by the health officer of the city.

Sec. 4-2-6 Enforcement; service of notices and orders; hearings.

(a) Whenever the responsible authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- (1) Be put into writing.
- (2) Include a statement of reasons why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires.
- (4) Be served upon the holder of a permit issued under this chapter or upon the owner or his agent or the occupant of such premises within the city: provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally, or in accordance with any other method authorized under the laws of this state.

and directed, by implementing and enforcing the provisions of this chapter, to control the storage, collection, and disposal of refuse within the city, to provide a public refuse collection and refuse disposal service from designated sites and/or premises within the city so that the type and usual quantity of refuse can be safely and expeditiously handled by such public refuse collection and disposal service, and/or to approve and regulate the establishment, maintenance, and operation of private refuse-collection systems and refuse-disposal methods and sites.

Sec. 4-2-3 Funds; appropriation, borrowing, other means.

(a) The mayor and council is authorized to make funds available by appropriation, by borrowing, or by other means, in accordance with the laws and procedures of this city, for equipment for the collection or disposal of refuse, and for the establishment, maintenance and operation of refuse collection systems and refuse disposal methods and sites.

(b) Refuse service charges within the city, for the purpose of financing the establishment, maintenance and operation of refuse collection systems or refuse disposal methods and sites, are hereby levied in accordance with the schedule as fixed from time to time by the mayor and council.

(c) Refuse service charges, as provided by this section, shall be payable monthly, by separate billing in conjunction with the water bill. Such refuse service charges shall be collected by the responsible authority.

Cross Reference: Billing and payment of water charges, Sec. 5-1-3.

Sec. 4-2-4 Permits.

(a) It shall be unlawful for any person who does not possess an unrevoked permit from the responsible authority to engage in the business of refuse collection or refuse disposal for compensation in the city. The responsible authority shall issue permits for such applicants: provided, that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of the requirements of section 4-2-6 of this chapter.

(b) Every person desiring to engage in the collection and/or disposal of refuse shall make written application to the responsible authority, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection and/or disposal of such refuse, the place and method of disposal to be practiced. Upon approval of this application, the responsible authority shall issue a permit to the applicant. The permit fee, as fixed from time to time by the mayor and council, shall be payable in advance to the responsible authority.

Such notice may:

(5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

(6) State that, unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice, a permit which has been issued pursuant to this chapter may be suspended or revoked.

(b) Any person who is affected by any notice issued in connection with the enforcement of any provision of this chapter may request, and shall be granted, a hearing on the matter before the mayor and council; provided, that such person shall file, in the office of the responsible authority, a written petition requesting such hearing and setting forth a brief statement of the ground therefore, within 10 days after the day of the notice was served. Upon receipt of such petition, the responsible authority shall set a time and place for such a hearing, the petitioner shall be given an opportunity to be heard. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the responsible authority may postpone the date of the hearing for a reasonable time beyond such 10-day period when, in his judgement, the petitioner has submitted a good and sufficient reason for such postponement.

(c) After such hearing, the mayor and council shall sustain, modify, or withdraw the notice, depending upon his finding based on such hearing as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with. If the mayor and council sustains or modifies such notice, it shall be deemed to be an order. Any notice shall automatically become an order if written petition for hearing has not been filed in the office of the responsible authority within 10 days after such notice was served. In the case of any notice which states that a permit required by this chapter may be suspended or revoked, the responsible authority may suspend or revoke such permit if an order is issued and corrective action has not been taken within the time specified in the notice.

(d) The proceedings at such hearing, including the finding and decision of the mayor and council, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the responsible authority. Such record shall include, also, a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the mayor and council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

(e) Whenever the mayor and council finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, he may, without notice or hearing, issue a written order reciting the existence of such an emergency and the conditions violating this chapter which require

corrective action to remove such health hazard. If such corrective action is not taken, the mayor and council may take such action as may be necessary to protect the public health. Notwithstanding other provisions of this chapter such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the mayor and council shall be afforded a hearing as soon as possible but in any case not later than three (3) days after the petition was filed. After such hearing, depending upon his finding as to whether or not the provisions of this chapter and of the regulations adopted pursuant thereto have been complied with, the mayor and council shall continue such order in effect, or modify it, or revoke it.

Sec. 4-2-7 Inspection.

The responsible authority, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter.

Sec. 4-2-8 Refuse acceptable for collection by the city.

The following refuse shall be considered to be acceptable for collection by the city:

(1) Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and/or consumption of foods.

(2) Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

(3) Rubbish. Nonputrescible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials.

(4) Dead animals. Small, dead animals, not exceeding 75 pounds each in weight, which die in the normal course of community activity excluding condemned animals, animals from a slaughter house, or other animals normally considered industrial refuse, shall be removed by the city upon request.

Sec. 4-2-9 Refuse not acceptable for collection by the city.

The following refuse shall be considered unacceptable for collection by the city:

(1) Dangerous materials or substances, such as poisons, acids, caustics, infected materials, and explosives.

(2) Unusual quantities of materials resulting from the repair, excavation, or construction of buildings or structures, such as earth, plaster, mortar and roofing material.

(3) Materials which have not been prepared for collection in accordance with these regulations.

(4) The solid wastes resulting from industrial processes.

Sec. 4-2-10 Refuse storage.

(a)(1) It shall be unlawful for any person to place, abandon, or leave, keep, or store, or suffer or permit the placement, abandonment, leaving, keeping, or storage of non-functioning motor vehicles and/or appliances, out of doors upon any public or private land within the city.

(2) This chapter shall be administered by the responsible authority. Whenever it shall appear to the responsible authority that this chapter is being violated, he shall, in writing, notify the owner or tenant in possession of the land on which the violation exists to abate such violation by removing the material or materials, to a conforming location, or into an enclosed garage, barn, or other building within 10 days of the notice.

(3) The mayor and council shall devise a method to periodically inspect each and every premise within the city in such a manner as to systematically locate existing non-functioning motor vehicles and/or appliances and require the abatement thereof as provided in section 4-2-10, paragraph (a)(2).

(b) Bulky rubbish such as trees, weeds, and large cardboard boxes, may be bundled so as not to exceed four (4) feet in length nor 50 pounds in weight.

(c) All other refuse shall be stored in durable metal, watertight and easily washable containers, which have close-fitting lids and adequate handles to facilitate collection. Such containers shall be of not less than 10 gallons nor more than 55 gallons in capacity for households, businesses, or multi-family apartments or dwellings. Bulk storage containers can be used if they are of a type which can be mechanically emptied by refuse trucks. Plastic or paper refuse sacks can be used if they are of a type accepted by the state and/or local health officials, and if at least twice weekly collection is provided.

(d) Garbage shall be drained and wrapped.

(e) It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the mayor and council, in accordance with the specifications contained in this section.

(f) Ashes containing hot embers shall not be placed in containers for collection.



(g) It shall be unlawful for any person to tamper with, remove covers, overturn, or otherwise damage receptacles or create litter or health problems.

Sec. 4-2-11 Refuse collection.

The city shall collect all refuse acceptable for collection, as provided in section 4-2-8 of this chapter, from all single-family dwellings and from all multi-family or apartment dwellings not exceeding 10 family units, and all types of institutions and business and industrial establishments.

Sec. 4-2-12 Frequency of collection.

(a) All household refuse shall be collected by the city as scheduled and announced by the mayor and council.

(b) All institutional, business and industrial refuse shall be collected by the city as scheduled and announced by the mayor and council.

(c) Collections shall not be made on the following holidays unless otherwise specified by the mayor and council: all legal holidays.

(d) The mayor and council shall make known to the public the day or days when refuse pick-up will be provided to each section of the community. Also, any major changes to the above schedule will be made known at least three (3) weeks in advance of the proposed change or changes.

Cross Reference: Legal holidays of city, Sec. 2-4-4.

Sec. 4-2-13 Place of collection.

All refuse to be collected by the city shall be placed not more than 100 feet from property line abutting the main street. All rubbish such as yard clippings and bulky items shall be placed at curb in suitable containers. If alley pick-up is used in some areas of the city, the above requirements shall be in regards to the alley used by the collection vehicle.

Sec. 4-2-14 Refuse disposal.

(a) All disposal of refuse shall be by a method or methods in accordance with requirements of state and local law, and shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal.

(b) There shall be no burning at any public disposal site within the city and any fires at these sites which have been started accidentally, intentionally, or by spontaneous combustion will be extinguished immediately.

(c) Animal offal and carcasses of dead animals shall be buried or cremated as directed by the mayor and council or shall be rendered at 40 pounds per square inch of steam pressure or higher, or shall be heated by equivalent cooking.

Sec. 4-2-15 Equipment.

(a) All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies, or suitable provisions for covering the body. Provision and use of a tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the mayor and council.

(b) Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding, and shall be maintained in good repair.

Sec. 4-2-16 Penalties.

Any person who shall violate any provision of this chapter, upon conviction, shall be punished as provided in section 1-1-5 of this code, and each day's failure to comply with any such provision shall constitute a separate violation.

Sec. 4-2-17 Effective date.

This chapter shall be in full force and effect immediately upon its adoption and publication as provided by law, provided that existing establishments shall be permitted a period of not more than 12 months after date of adoption and publication to comply with the provision of this chapter.

Editorial Note: The date of adoption of this chapter is 12/13/74.

CHAPTER 3

Parks

- § 4-3-1 Driving motor vehicles in parks.
- § 4-3-2 Closing hours.
- § 4-3-3 Throwing missiles.

Sec. 4-3-1 Driving motor vehicles in parks.

It shall be unlawful for any person to drive a vehicle upon or across any part of any public park of the city except upon roadways laid out and maintained for vehicular travel. This section shall not apply to park employees whose duties require them to drive park maintenance equipment over parks.

Sec. 4-3-2 Closing hours.

Every public park in the city shall be closed to all persons at 12:00 midnight and shall not be reopened until 6:00 a.m. of the following day. It shall be unlawful for any person to remain in any public park between the hours of 12:00 midnight and 6:00 a.m., except with the express authorization of the mayor and council.

*Amended 5/18/2010*

Sec. 4-3-3 Throwing missiles.

It shall be unlawful for any person in any park to throw bottles, cans, stones, sticks or other missiles.

*See next pages*

*Amendment*

**CITY OF SARDIS  
CLOSING HOURS FOR PUBLIC PARKS AND RECREATION AREAS  
AMENDMENT TO THE CODE OF THE CITY OF SARDIS  
ORDINANCE NO. \_\_\_\_\_**

**Section 1. Title.**

This Ordinance shall be known and referred to as the Ordinance to amend Title 4, Chapter 3, Section 4-3-2 of the Code of Ordinances of the City of Sardis, Georgia.

**Section 2. Purpose.**

To amend Section 4-3-2 of the Code of the City of Sardis, Georgia relating to the closing hours for public parks.

**Section 3. Amendment of City Code; Section 4-3-2**

Section 4-3-2 of the Code of the City of Sardis, Georgia shall be amended as follows:

"Sec. 4-3-2                      Closing hours.

(a) Every public park and recreation area in the city shall be closed to all persons at 8:00 p.m. and shall not be reopened until 6:00 a.m. of the following day. It shall be unlawful for any person to remain in any public park or recreation area between the hours of 8:00 p.m. and 6:00 a.m., except with the express authorization of the mayor and council.

(b) No person shall be present in a city park or recreation area during the prohibited hours.

(c) Presence in a city park or recreation area during prohibited hours shall be considered a trespass and will be charged as such.

(d) Violations of this section will be punished as provided in Section 1-1-5 of the Code of Ordinances."

**Section 4. Effective Date.**

Said amendment to the City Code shall become effective the next business day following the adoption of this Ordinance.

**Section 5. Supersede.**

The paragraph in Title 4, Chapter 3 above shall supersede and replace Section 4-3-2 of the City Code.

**Section 6. Ordinances Repealed.**

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

**Section 7. Severability.**

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Read, passed and adopted this 18<sup>th</sup> day of May, 2010.

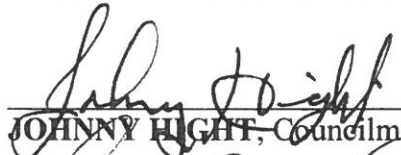
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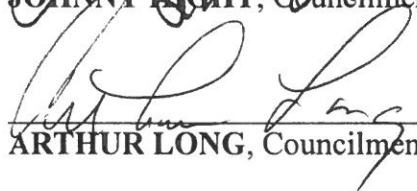
Mayor and City Council of Sardis, Burke County, Georgia.

  
\_\_\_\_\_  
J. PRESTON CONNER, Mayor

\_\_\_\_\_  
TODD CAMPBELL, Councilmember  
  
\_\_\_\_\_  
NORMAN ELLIOTT, Councilmember

  
\_\_\_\_\_  
DONNIE HICKMAN, Councilmember

  
\_\_\_\_\_  
JOHNNY HIGHT, Councilmember

  
\_\_\_\_\_  
ARTHUR LONG, Councilmember

Attest:   
\_\_\_\_\_  
JENNIE JOHNSON, City Clerk

First Reading: 4/20/10  
Second Reading: 5/18/10

