

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 46 OF THE CITY OF SANDY SPRINGS CODE OF ORDINANCES TO DEFINE AN APPELLATE PROCESS FOR APPEALS FROM VARIANCE APPLICATION DETERMINATIONS IN THE SOLID WASTE ORDINANCE

WHEREAS, the Mayor and City Council of the City of Sandy Springs (the "City") are charged with the protection of the public health, safety, and welfare of citizens of the City; and

WHEREAS, the City's Solid Waste Ordinance provides a method for waste hauler to request variances regarding the time requirements for the collection of solid waste; and

WHEREAS, the Mayor and City Council have determined that it is necessary to more specifically define the appellate process related to the City determinations regarding said variance applications; and

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby amend Chapter 46 of the Code of Ordinances of the City of Sandy Springs, Georgia, by adding the following provisions thereto which shall henceforth read as follows:

Section 46-22(c) shall be amended to read as follows:

(c) *Collection operation.*

(1) *Collection times.* Save and except as provided in this section, collection shall not start before 7:00 a.m. nor continue after 7:00 p.m. at any location. Operations may only be conducted Monday through Saturday.

(2) *Variances.* Company may request variances to this collection period for properties in which normal collection procedures would cause a clear and present safety hazard. All requests for variances must be filed in writing with the city community development department on forms which can be obtained at the city community development department, and include documentation of the hazard created by the collection operation period. A determination regarding the application shall be made by the City within 30 days from the date of the application and communicated to the applicant. The City may charge a fee for each variance location requested as set forth in the fee schedule.

(3) *Appeals.* Any person aggrieved by a decision of the City pursuant to subsection 46-22(c)(2) above, may submit an appeal to the community development department within 30 days of the date of the communication of the City's decision on forms which can be obtained at the city community development department. The appeal shall be submitted in writing and be heard by the city board of appeals in accordance with the rules and regulations as set forth by this Code, and said board within 90 days of the filing of the appeal. Any person aggrieved by an action of the city board of appeals may appeal within 30 days to the superior court of the county by writ of certiorari or as otherwise required by law.

(4) *Complaints.* Should a collection operation variance be granted and the city receives complaints about the collection operation, the city shall verify and substantiate the factual basis for the complaint. Should the complaints be substantiated, the collection operation variance will be revoked, and the company is required to operate within the collection times set forth in subsection (c)(1) of this section.

All other provisions of Chapter 46 shall remain unchanged.

SO ORDAINED, this the 21ST day of July, 2009.

Approved:

Eva Galambos
EVA GALAMBOS, Mayor

Attest:

Michael Casey
Michael Casey, City Clerk

(SEAL)

