

Bond Case Briefs

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MUNICIPAL ORDINANCE - GEORGIA

Advanced Disposal Services Middle Georgia, LLC v. Deep South Sanitation, LLC

Supreme Court of Georgia - September 22, 2014 - S.E.2d - 2014 WL 4667471

County and its exclusive provider of solid waste collection services sought injunctions prohibiting non-exclusive solid waste collector from providing collection and disposal services in violation of a newly enacted county ordinance.

The Supreme Court of Georgia held that:

- Enforcement of ordinance would not violate non-exclusive collector's due process rights, and
- County's alleged anticompetitive conduct was exempt from Sherman Anti-Trust Act.

Enforcement of county's solid waste ordinance, pursuant to which county commissioners authorized an exclusive franchise for the collection and disposal of solid waste from residents of unincorporated county, would not violate non-exclusive waste collector's due process rights to continue its existing business, where ordinance's authorization of an exclusive franchise was reasonably related to county's goal of providing complete, uniform, and affordable solid waste collection services to county residents.