

**EVANS COUNTY
SOLID WASTE, SCRAP TIRE, AND TRASH ORDINANCE**

Revised 3-3-09

TITLE

An ordinance defining litter, waste, scrap tires and public or private property; regulating the disposal of litter and waste, the transportation of litter and waste, the use of garbage or litter containers or receptacles, providing for the orderly disposal of solid waste; prescribing penalties for the violation of the ordinance and for other purposes related thereto.

ENACTMENT CLAUSE

For the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Evans County and to provide an orderly and safe disposal of waste, the Board of Commissioners of Evans County, Georgia does hereby ordain and enact into law the following:

SECTION I – DEFINITIONS:

Commercial Litter or Waste: waste, litter, or other debris generated from a commercial business enterprise; not residential waste or litter.

Dump: To throw, discard, place, deposit, discharge, burn, or dispose of a substance.

Household Garbage: waste, litter, or other garbage generated from the day to day operation of managing a household. It is not those items from construction or repair projects and not those items that are large, non-compactable articles such as stoves, refrigerators, mattresses, bedding, furniture, microwaves, televisions, shingles, yard trimmings, air conditioning units, carpeting, tile, flooring, etc.

Litter: All discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description which are not waste as such term is defined herein.

Public or private property: The right of way of any road or highway; any body of water or water course; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlines, or forests.

Scrap Tires: All tires, which are no longer suitable for their original intended purpose because of wear, damage or defect.

Scrap Tire Generator: Any person who generates scrap tires as defined in section 391-3-4-19 (2-1) of the Georgia Rules of Solid Waste Management.

Scrap Tire Carrier: Any person engaged in picking up or transporting scrap tires not otherwise exempted under section 391-3-4-19(5.G) for the purpose of removal to scrap tire processor, end user, or disposal facility.

Tire Retailer: Any person engaged in the business of selling new replacement tires.

Waste: All discarded substances and material or any such substance, biomedical waste, hazardous waste, or material dumped for commercial purposes with the exception of animal bi-products. "Waste" includes without limitation, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicles parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations, including household, commercial, construction and demolition waste, or industrial solid waste which is non-hazardous, non-medical, and in a form classified as solid waste by the Georgia Department of Natural Resources.

SECTION II – WASTE DISPOSAL – GENERAL:

- (A) The owner or occupant of any premises shall be responsible for the sanitary handling and disposition of garbage, litter, waste, scrap tires, and refuse on the premises used or occupied by such person.
- (B) It shall be unlawful to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving litter, waste or scrap tires at any place in this county, including, without limitation, any public or private property in this county or any waters in this county unless such litter or waste originates in this county and:
1. The property is designated and permitted by the state of Georgia and/or by the Evans County Board of Commissioners or its duly designated agent for disposal of litter and waste, and the person is authorized to use such property and;
 2. The litter or waste is placed into a receptacle or container installed on such property; however, any litter or waste placed into such a receptacle or container installed on such property must not be allowed to accumulate for an unreasonable period of time, and in no event shall it be allowed to accumulate to the point of overflowing the container or receptacle.
- (C) It shall be unlawful for any person to dump or place waste unless authorized to do so by law or by a duly issued permit:
1. In or on any public highways, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or any other public lands except in containers or areas lawfully provided for such dumping.
 2. In or on any fresh water lake, river, canal, stream or creek or;
 3. In or on any public or private property unless such dumping will not adversely affect the public health and is not in violation of any other local, state or federal law, rule, or regulation.

- (D) All persons defined as scrap tire generators, scrap tire carriers, or tire retailers, shall be subject to rules as defined in section 391-3-4-19 and the rules for solid waste management, chapter 391-3-4-19 applicable to solid waste.

SECTION III – TRANSPORTATION OF LITTER AND WASTE:

- (A) It shall be unlawful to drive or operate a vehicle in Evans County hauling wet or moist litter or waste which leaks, flows freely, or spills from such vehicle.
- (B) Any litter or waste hauled on a moving vehicle in Evans County shall be covered or secured in such a manner that the litter or waste will not blow or escape from said vehicle while moving or parked on public streets or roadways in Evans County.
- (C) It shall be unlawful for any vehicle to transport litter or waste on any public streets or roadways in Evans County without suitable coverings or other restraint devices securely fastening such litter or waste to the vehicle so as to prevent any materials from being deposited on the roads or adjoining areas of the county. However, this section shall not prohibit the necessary spreading of any substances in public road maintenance or public road construction operations.

SECTION IV – REGULATION OF GARBAGE OR LITTER CONTAINERS OR RECEPTACLES:

- (A) All garbage or litter containers or receptacles shall be maintained in as sanitary a manner as is responsibly possible consistent with its use for garbage and litter disposal.
- (B) Persons using garbage or litter containers or receptacles shall deposit all authorized garbage and refuse in the container or receptacle.
- (C) No person shall deposit any burning or smoldering material in any such container or receptacle.
- (D) No person shall set fire to the contents of any such container or receptacle.
- (E) No dead animals shall be deposited in any such container or receptacle.
- (F) No person shall deposit large non-compactable articles in such containers or receptacles such as stoves, refrigerators, bed springs, mattresses, tires, large tree limbs, air conditioning units, or similar items that are not household garbage.
- (G) No one shall deposit any flammable or explosive materials in any such containers or receptacles.
- (H) No person shall place or scatter litter or waste in or around such containers or receptacles.
- (I) No one shall scavenge or collect items from, in, or around such containers or receptacles.

- (J) It shall be unlawful for any person to transport litter or waste of any description from another county for disposal at the Evans County convenience sites.
- (K) It shall be unlawful for any person to use the Evans County convenience site containers for the disposal of commercial waste or litter.

SECTION V – ACCUMULATION:

- (A) No owner or occupant of any premises in the unincorporated areas of Evans County shall allow litter or waste to accumulate thereon. No owner or occupant of any such property shall bury litter or waste without prior authorization and permission from the applicable regulatory agency, including but not limited to, the Environmental Protection Agency, Environmental Protection Division, and/or the Georgia Forestry Commission. Nothing in the provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.
- (B) No owner or occupant of any property shall allow the accumulation on his or her premises of garbage or waste where such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors.
- (C) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers used for the storage or dumping of litter or waste.
- (D) The conduct described in paragraphs (A)-(C) of this Section 5 shall constitute a separate violation of the ordinance for each day the garbage or waste material remains on such premises.

SECTION VI – VIOLATION/PENALTIES:

- (A) Any person, firm, or corporation violating any portion of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, in the Magistrate Court of Evans County shall be punished as follows:
 - (1) By fine of not more than \$1,000.00 or up to 60 days imprisonment or both. Each day the violation continues shall be a separate offense. However, this section shall not preclude the County from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the County to have both civil and criminal rights or prosecution in this area; and/or
- (B) In the sound discretion of the Magistrate Court, the violator may be directed to pick up and remove from any public street or highway or public right of way any litter the person had deposited and any and all litter thereon by anyone else; and/or
- (C) In the sound discretion of the Magistrate Court the person may be directed to pick up and remove any litter from any public park, public right of way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the

person had deposited litter thereon, and all litter deposited thereon by anyone prior to the date of execution of sentence; and/or

- (D) The court may order the publication of the names of persons convicted of violating this ordinance.

SECTION VII – ENFORCEMENT:

Enforcement of this ordinance shall be the responsibility of the Evans County Code Enforcement officer or his/her designee. Any person or persons authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable times in order to inspect the property for violations of this ordinance, subject to the condition that to allow entry on private property for inspection, the alleged violation of this ordinance must be visible from a public road or right of way, or upon such officer having received a complaint by a resident of Evans County, Georgia alleging a violation of this ordinance, the Magistrate Court of Evans County shall be authorized to issue summons for hearing on alleged violation of the ordinance upon written accusation of any person sui juris alleging such violation.

SECTION VIII – CIVIL REMEDIES AND ABATEMENT OF NUISANCE:

In the event that any person, firm, or corporation violates any provision of this ordinance, the County Attorney or other appropriate authority of the county may, in addition to other remedies, institute an action for injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.

SECTION IX – EVIDENCE OF VIOLATIONS:

- (A) Whenever litter is thrown, deposited, dropped, or dumped, from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima-facie evidence that the operator of the conveyance has violated this ordinance.
- (B) Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letter, bills, publications, or other writings which display the name or a person thereon in such a manner as to indicate that the article belongs to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

SECTION X – YARD TRIMMINGS:

Yard trimmings shall not be placed in or mixed with solid waste.

SECTION XI – RECYCLING:

The Evans County Board of Commissioners hereby finds that it is in the best interest of the citizens of Evans County, in order to promote that health, safety, welfare, and morals of the citizens of the county, to recycle as many waste materials as possible in order to reduce the accumulation of litter, garbage, and solid waste material within the county and to reduce the overall solid waste

materials which must be properly disposed of. Therefore, it is the policy of The Evans County Board of Commissioners to encourage recycling whenever practicable.

SECTION XII – SEVERABILITY:

Should any sentence, section, subsection, or provision of this ordinance or application of a provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

Therefore, be it ordained, that all conflicting resolutions, ordinances, or parts of ordinances, or resolutions in conflict with this ordinance are hereby repealed.

Be it further ordained that this ordinance shall take effect immediately after the passage by The Evans County Board of Commissioners and shall be enforced from and after such date, the public welfare demanding it. So amended and approved by the Board of Commissioners of Evans County,

Georgia, this 3rd day of March, 2009.