

**Adopted May 7, 1985**

**GARBAGE DISPOSAL ORDINANCE**

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF LITTER AND TO PROHIBIT THE INDISCRIMINATE DUMPING OF GARBAGE AND LITTER WITHIN THE BOUNDARIES OF THE COUNTY OF EVANS AND TO PROVIDE FOR PUNISHMENT FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

WHEREAS, it has been determined by the Commissioners of Evans County, Georgia, that it is necessary to control the dumping and disposal of garbage and litter within the boundaries of Evans County, Georgia for the health, safety and welfare of its citizens. By virtue of the Georgia Code Sections authorized counties to enact ORDINANCES, and power to enforce same, by the imposition of punishment shall not exceed a fine of \$500.00 or 60 days imprisonment or both. Ordinance violations may be heard in the magistrate court of Evans County, Georgia, without a jury trial, upon the citation of enforcement officials. Anytime before trial, demand in writing that the case be removed for a jury trial to the State Court of the County may be made.

NOW BE IT ORDAINED by the Commissioners of Evans County, Georgia, and it is hereby ordained by the authority thereof that:

SECTION 1: DEFINITIONS:

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

(1) "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized by law.

(2) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(3) "Handfill" is any printed or written matter, any sample, or device, dodger circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduce original or copies of any matter of literature.

(4) "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(5) "Park" is a park, reservation, playground, beach, recreation center or any other public area in the county, owned or used by the County and devoted to active or passive recreation.

(6) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(7) "Private Property" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(8) "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(9) "Refuse" is all putrescible and non-putrescible solid wastes (except wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(10) "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(11) "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracts.

(12) "Responsible Authority" shall mean the legally designated authority of Evans County, Georgia, who shall be authorized and directed to implement and enforce the provisions of this ordinance or its authorized representative.

## SECTION 2: LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the county except in public receptacles, in authorized private receptacles for collection, or in official County dumps.

## SECTION 3: PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or public place or upon private property.

## SECTION 4: SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street or other public place within the County the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

SECTION 5: MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the County the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the County shall keep the sidewalk in front of their business premises free of litter.

SECTION 6: LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the County, or upon private property.

SECTION 7: TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the County unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the County, the wheels or tires of which carry on to deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

SECTION 8: LITTER IN PARKS.

No person shall throw or deposit litter in any park within the County except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly dispose of it elsewhere as provided herein.

SECTION 9: LITTER IN LAKES AND FOUNTAINS.

No person shall throw or deposit litter into any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the County.

SECTION 10: THROWING OR DEPOSITING HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the County.

SECTION 11: LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the County, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 12: OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

SECTION 13: PENALTIES FOR VIOLATION.

Upon conviction in a Magistrate's Court, State Court or the Superior Court for an offense under this Ordinance or any terms hereof, the offender shall be subject to a fine of not less than \$50.00, nor more than \$500.00, or imprisonment for not less than 10 days nor more than 60 days, either or both, and between such limits within the discretion of the Court as may be deemed advisable.

SECTION 14: The responsible authority is hereby authorized to employ one or more deputy sheriffs, policemen, or other law enforcement officers on a full or part time basis to enforce the provisions of this Ordinance.

SECTION 15: All resolutions and ordinances of said County contrary hereto are hereby repealed.

SECTION 16: EFFECT OF PARTIAL INVALIDITY OF ORDINANCE.

The provisions of this Ordinance are severable, and if any of its provisions shall be held either in violation or contrary to any State law or shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not affect or impair any of the remaining provisions of this Ordinance and Regulation.

SECTION 17: This Ordinance shall be effective on and after the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.