

Adopted June 5, 2007

WASTE MANAGEMENT ORDINANCE

The Evans County Board of Commissioners deems it necessary for the protection of the health, safety and welfare of the citizens of Evans County to provide certain rules and regulations regarding the site location and manner of operation of waste management facilities in Evans County, Georgia, and pursuant to the powers and authorities granted to the Board of Commissioners, the following Ordinance is hereby enacted, to wit:

Section 1: Any person, firm or entity who desires to locate, construct, and/or operate a waste management facility in Evans County, Georgia shall make application to the Board of Commissioners, stating name, address and location of the proposed facility, and the name, address and telephone numbers of the contact person making said application and with whom all communications are to be made between applicant and the Board of Commissioners.

Section 2: The site for any proposed waste management facility shall contain not less than 50 acres, and the site perimeter shall not be located closer than 500 yards to any existing residence, planned residential area, school, hospital or government facility. Said proposed site shall abut an existing county, State or federal road, or a service road entrance thereto shall be constructed in accordance to the county road requirements. The gated entrance to said waste management facility shall be not closer than 100 yards from said existing county, State or federal road.

Section 3: The site shall be perimeter fenced with cyclone fencing having a minimum height of six (6') feet, and all entrance/exit gates must be secured at all times to prevent unauthorized entry by persons or animals.

Section 4: The application shall include a site drawing, a plat and legal description of the proposed site and a detailed description of the waste management facility, to include engineering plans, daily operational plans and type of facility, i.e., waste transfer station, C & D landfill, municipal landfill, any combination of same, or any other type waste management facility.

Section 5: The application shall include copies of all applicable permits and approvals which have been granted, or for which application has been made for of said site from or to all applicable county, State and federal authorities for the location, construction, operation and maintenance of said proposed site for the waste management facility for which the location application is submitted. No location site approval shall be granted until all applicable county, State and federal permits are granted.

Section 6: The compliance with all condition precedents set forth in Section 1 through Section 5 is required prior to review of said application by the Board of Commissioners, who reserve the right to require any additional information concerning said site location and/or the manner of construction, operation and maintenance of said waste management facility.

Section 7: The Board of Commissioners, in their discretion, may grant or deny the application, notwithstanding compliance with the requirements herein, if the proposed site for the waste management facility would not be in compliance with the duties imposed upon the Board of Commissioners to protect the health, safety and welfare of the citizens of Evans County, Georgia, or the Board of Commissioners shall have the power and authority to grant a temporary or a provisional permit for said proposed site location.

Section 8: The judicial determination that any section or portion hereof which may be enforceable shall not affect the validity of all remaining sections or portions hereof, and the same shall be enforced as stated.

Section 9: The jurisdiction and venue for enforcement of this Ordinance shall be in the Magistrate Court of Evans County, Georgia, and the violation of said Ordinance or any portion thereof, upon conviction, shall be punishable by a fine of not less than \$1,000.00 and/or imprisonment for a period of not more than 90 days. Each day that said Ordinance is violated shall constitute a separate violation.

Section 10: Any person, firm or entity in violation of this Ordinance shall be subject to the right power and authority of the Board of Commissioners to seek enforcement of this Ordinance and any other applicable statutes, laws or rights through civil remedies in the Superior Court of Evans County, Georgia, and the attempted location, construction, operation or maintenance of a waste management facility in Evans County Georgia by any person, firm or entity shall constitute a submission to the jurisdiction and venue of the Superior Court of Evans County, Georgia.

This Ordinance is adopted as written this _____ day of _____, 20_____.