

**SOLID WASTE AND SCRAP TIRE
MANAGEMENT ORDINANCE
OF
CANDLER COUNTY, GEORGIA**

An ordinance defining litter, public or private property, scrap tires, scrap tire generators and carriers; tire retailers, municipal, commercial and industrial solid waste, and recovered materials. Regulations for disposal and transportation of all solid waste, litter and scrap tires, penalties for the violation of said ordinance; and other purposes related thereto.

ENACTMENT CLAUSE

It is declared to be the policy of Candler County, Georgia, in furtherance of its responsibility to protect the public health, safety, and well being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive county-wide program for all solid waste management which will assure that solid waste facilities, whether publicly or privately operated, do not adversely affect the health, safety and well being of the public and do not degrade the quality of the environment by their reason of location, design, method of operation or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste referred to in this ordinance as recovered material.

It is further declared to be the policy of Candler County, Georgia to educate and encourage generators and handlers of all solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment or disposal. The Board of Commissioners of Candler County does hereby ordain and enact into law the following:

SECTION I — DEFINITIONS

- A. The term "*commercial solid waste*" shall mean all types of solid waste generated by stores, offices, restaurants, warehouses, and other

nonmanufacturing activities, excluding residential and industrial wastes. O.C.G.A. § 12-9-22 (4.1).

- B. The term “*disposal facility*” means any facility or location where the final disposition of solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment technology facilities. O.C.G.A. § 12-8-22(8).
- C. The term “*industrial solid waste*” means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of Official Code of Georgia Annotated Title 12, Chapter 8, the “Georgia Hazardous Waste Management Act.” Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste. O.C.G.A. § 12-8-22(12.1).
- D. The term “*inert waste*” shall mean wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed herein. Section 391-3-4-.06 of the Georgia Rules for Solid Waste Management.
- E. The term “*litter*” shall mean discarded materials of every kind as referenced in O.C.G.A. §16-7-42(1).
- F. The term “*municipal solid waste*” shall mean any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does

not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations. O.C.G.A. § 12-8-22(18).

- G. The term “*open dump*” means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment as referenced in Section 391-3-4-.01(44) of the Georgia Rules for Solid Waste Management.
- H. The term “*public or private property*” shall mean the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests in accordance with O.C.G.A. § 16-7-42(2).
- I. The term “*recovered materials*” shall mean those materials which have known use, reuse, or recycling potential and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling as referenced in O.C.G.A. § 12-8-22(25).
- J. The term “*recovered materials processing facility*” shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials as referenced in O.C.G.A. §12-8-22(26).
- K. The term “*scrap tire*” shall mean a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect as referenced in O.C.G.A. § 12-8-22(31).
- L. The term “*scrap tire generator*” shall mean any person who generates scrap tires as defined in Section 391-3-4-.19(2.i) of the Georgia Rules of Solid Waste Management. Scrap tire generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county and state governments.
- M. The term “*scrap tire carrier*” shall mean 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 a scrap tire processor, end user, or disposal

facility as referenced in O.C.G.A. § 12-8-22(32).

- N. The term “*tire retailer*” shall mean any person engaged in the business of selling new replacement tires as referenced in O.C.G.A. § 12-8-22(39).

SECTION II — WASTE DISPOSAL — GENERAL

- A. The owner or occupant of any premises shall be responsible for the sanitary handling and disposing of all litter, scrap tires, and municipal, commercial or industrial solid waste or any other type waste on the premises used or occupied by such person.
- B. It shall be unlawful to dump, open dump, or permit the dumping of litter, scrap tires, municipal, commercial, or industrial solid waste, recyclables or any other type waste at any place in this County including, and without limitations, any public or private property in the County or any waters in this County unless:
 - 1. The property is designated and approved by the Board of Commissioners for the disposal of litter, municipal, commercial or industrial solid waste, scrap tires, recovered materials or any other type waste and the person dumping is authorized to use such property;
 - 2. The litter, municipal, commercial or industrial solid waste, recyclables, scrap tires and any other type waste are placed into a receptacle or container installed specifically for such purpose on the respective property. In the event no receptacle or container being designated to hold the particular type waste being disposed, said waste shall be placed on the property as directed by the Candler County Board of Commissioners, its agents or employees; and
 - 3. The property carries all necessary waste handling permits required by EPD and any other applicable regulatory agency.
- C. All persons defined as scrap tire generators, scrap tire carriers, or tire retailers shall be subject to rules as defined in the Rules of the Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-4-19 Solid Waste Management and handle scrap tires in accordance with the

provisions of O.C.G.A. §12-8-20, *et seq.*, and the Rules of the Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-4 which are applicable to solid waste management.

SECTION III — TRANSPORTING SOLID WASTE AND LITTER

- A. It shall be unlawful to drive or operate a vehicle in Candler County hauling municipal, commercial, or industrial solid waste or any other type waste when waste leaks, flows freely or spills from said vehicle.
- B. Any litter or municipal, commercial, or industrial solid waste or any other type waste hauled on a moving vehicle shall be covered or secured in such manner that litter will not blow or escape from said vehicle while moving or parked on public or private property in Candler County.

SECTION IV — REGULATION OF WASTE CONTAINERS AND RECEPTACLES

- A. The Candler County Board of Commissioners has placed waste collection containers in several locations or collection areas and the County may, from time to time, hereafter provide for other such collection containers and collection areas in the unincorporated areas of the County and only household garbage trash sufficiently small in size as to not impair the intended use and maintenance of the collection containers may be dumped or placed in such containers provided by the County.
- B. All waste containers or receptacles shall be maintained in as sanitary a manner as is reasonably possible consistent with their use for disposing of waste.
- C. Persons using waste containers or receptacles shall deposit only authorized waste and refuse inside the container or receptacle. No person shall dump or place any item outside or around the container or receptacle or in the collection area.
- D. No person shall deposit a scrap tire in any such container or receptacle unless such container or receptacle is specifically designated for that purpose.

- E. No person shall deposit any burning or smoldering material in such container or receptacle.
- F. No person shall set fire to the contents of any such container or receptacle.
- G. No person shall in any way attempt to damage or destroy any waste container or receptacle.
- H. No person shall deposit any unauthorized items into the said containers or receptacles. Unauthorized items include, but are not limited to, stoves, refrigerators, bed springs, tree limbs, leaves, air conditioning units, furniture, etc.
- I. No person shall deposit any flammable or explosive materials in any such container or receptacle.
- J. No dead animals shall be deposited in any such container or receptacle.
- K. No person shall alter the location of any such container or receptacle without the written consent of the Board of Commissioners.
- L. No person, without the written consent of the Board of Commissioners, shall enter, examine, sift through the contents of, scavenge or remove any manner from any collection container or receptacle.
- M. No person shall deposit waste at a County recycling center unless such waste is contained in a manner that it can be handled by the attendant and shall be deposited only during official hours of operation.
- N. No person shall deposit waste, water or litter of any kind at a County solid waste collection and recycling center into County owned receptacles or containers designated for the collection of recovered materials. Only authorized materials such as glass, aluminum, newspaper, cardboard, plastic, and tin and other accepted material may be deposited in the appropriate container designated for recovered materials.
- O. No person shall deposit bricks, blocks, rocks, lumber, asphalt, cement,

concrete, concrete products or waste, roofing, sheet rock, leaves, limbs, bushes, trees, or roots, into any container or receptacle except those containers or receptacles that may be specifically designated for these purposes only.

SECTION V — USE BY NONRESIDENTS AND COMMERCIAL COLLECTORS

- A. The placement of household garbage and household trash in waste collection containers and receptacles in several locations or collection areas in and around Candler County, Georgia is for the convenience and use, in accordance with the provisions of this ordinance, of County residents only. It shall be unlawful and in violation of this ordinance for any person to dump, place or leave any item at such waste collection area or in any collection container or receptacle unless such person is a resident of Candler County, Georgia.
- B. It shall be unlawful and in violation of this ordinance for any person engaged in the business of any type of garbage and waste collection to dump, place or leave garbage and waste collected in the conduct of business at any garbage or waste collection area or any collection container or receptacle.

SECTION VI — REGULATION OF LANDFILLS AND WASTE COLLECTION AND RECYCLING CENTERS

- A. Upon the enactment of this Ordinance, no new landfills, waste collection or recycling centers shall be operated in Candler County, Georgia without the written approval of the Candler County Board of Commissioners.
- B. No person shall deposit waste of any kind outside the gate of the landfill, waste collection or recycling center.
- C. No scavenging operation of any kind shall be allowed at a landfill, waste collection or recycling center.
- D. No person shall move, remove or cross any fence, gate or barrier at a landfill, waste collection or recycling center.
- E. Fees (dumping, tipping, etc.) on waste brought to landfills, waste collection or

recycling centers will be set by the Candler County Board of Commissioners to defray costs of these operations.

- F. Hours of operation will be set to maximize the convenience of residents of the area.
- G. All rules above apply to all public and/or private property in Candler County, all waters and/or waterways of Candler County, and all waste and recycling centers and the County landfill.

SECTION VII — VIOLATION AND ENFORCEMENT

- A. The County Enforcement Officer or his designated representative is hereby granted and shall hereafter have the power and authority to administer and enforce the provisions of this Ordinance for the collection and disposal of waste in this County.
- B. Any person who violates any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
 - 1. By a fine of not less than \$200 nor more than \$1,000;
 - 2. In the sound discretion of a court in which the conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed 1 mile any waste the person has deposited and any and all other waste deposited thereon by anyone else prior to the date of execution of sentence; or
 - 3. In the sound discretion of the judge of a court in which the conviction is obtained, the person may be directed to pick up and remove from any public park, private 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 has deposited waste, any and all waste deposited thereon by anyone prior to the date of execution of sentence.

SECTION VIII — SEVERABILITY

- A. 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 or any part thereof that is not specifically declared to be invalid or unconstitutional.

SECTION IX — REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES

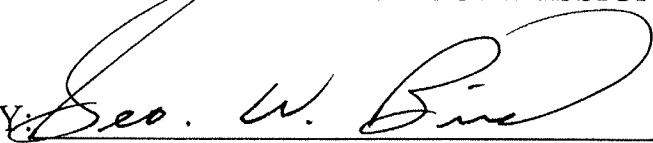
- A. All resolutions or ordinances and parts or sections of resolutions or ordinances in conflict with this Ordinance are hereby repealed.

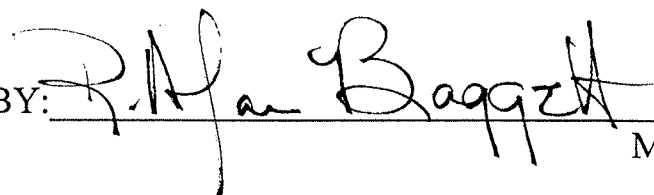
SECTION X — EFFECTIVE DATE

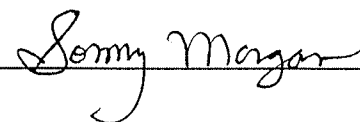
- A. This Ordinance shall take effect and shall be enforced from and after the date of its adoption, the public welfare demanding it.

Adopted and approved by the Board of Commissioners of Candler County, Georgia, this 12th day of October, 1998.

CANDLER COUNTY BOARD OF COMMISSIONERS

BY: 
Chairman

BY: 
Member

BY: 
Member

BY: Stull Z Thomas Member

BY: Denny W. Wells Member

Sam Hoelund
County Clerk