

AN ORDINANCE OF THE CANDLER COUNTY BOARD OF COMMISSIONERS TO AMEND THE "SOLID WASTE AND SCRAP TIRE MANAGEMENT ORDINANCE OF CANDLER COUNTY, GEORGIA" AND FOR OTHER PURPOSES RELATED THERETO

WHEREAS, Candler County originally adopted the Solid Waste and Scrap Tire Management Ordinance on October 12, 1998, and has made subsequent amendments thereto;

WHEREAS, Candler County has determined that a further amendment to said Ordinance is warranted as it fails to provide adequate regulations for pre-existing facility sites and nonconforming uses; and

WHEREAS, the Board of Commissioners deems it to be in the best interests of the citizens of Candler County that the Ordinance be amended accordingly;

NOW THEREFORE BE IT ORDAINED, AND IT HEREBY IS ORDAINED, pursuant to the authority vested in the Board of Commissioners by law, that the following amendments be made to said Ordinance:

I. Section VI -- "Regulation of Landfills and Waste Collection and Recycling Centers" is amended by deleting subparagraph "A." in its entirety. For reference purposes only, this subparagraph which is being deleted read as follows:

"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."

II. Section VI -- "Regulation of Landfills and Waste Collection and Recycling Centers" is amended by deleting subparagraph "A.11" in its entirety and substituting in lieu thereof the following new subparagraph "A.11":

"A.11 Pre-Existing Facility Sites and Continuance of a Non-Conforming Use.

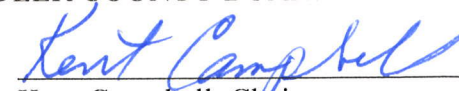
A pre-existing facility site and a lawful use of or vested right to use any building, facility or land existing as of September 8, 2008, or date of the adoption of any further amendments hereto may be continued without a special use permit subject to the restrictions contained in this Ordinance except that:

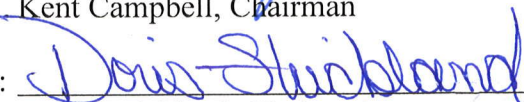
1. Neither a pre-existing facility site nor a non-conforming use or facility shall be changed to another non-conforming use without a special use permit.
2. Neither a pre-existing facility site nor a non-conforming use or facility shall be extended or enlarged beyond the area of use or the size of the facility as it existed on September 8, 2008, or the date of adoption of any further amendments hereto without a special use permit.

3. Neither a pre-existing facility site nor a non-conforming use or facility shall be re-established after discontinuance for six months regardless of any reservation of an intent not to abandon without a special use permit.
4. Any intended non-conforming use for which a vested right was acquired prior to the adoption of this ordinance or the adoption of an amendment thereto shall be prohibited without a special use permit unless such intended non-conforming use for which a vested right was acquired is actually commenced within one year of the adoption of this ordinance or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such non-conforming use.
5. Neither a pre-existing facility site nor a non-conforming use or facility shall not rebuilt, altered, or repaired without a special use permit except as provided herein:
 - (a) If the facility is altered or repaired, said alterations or repairs shall be in conformity with the building codes in force at the time of said alteration or repair; provided, however, that said alteration or repair shall not extend or enlarge the facility being altered or repaired;
 - (b) If the facility is totally rebuilt, the replacement structure shall conform with all the requirements of this Ordinance; provided, however said replacement facility may not occupy an area greater than the replaced facility.”
6. To the knowledge of the Candler County Board of Commissioners, the only pre-existing facility sites located in Candler County, Georgia as of September 8, 2008, are as follows: the City of Metter landfill facility site located off of East Hiawatha Street in Candler County, Georgia; the Crider, Inc. landfill facility site located adjacent to Georgia Highway 57 in Candler County, Georgia; the Allied Metal Recycling, Inc./WAS Industries, LLC recovered material processing/recycling center facility site located at 500 Addlestone Drive in Candler County, Georgia; the Orangeburg Foods, Inc. landfill facility site located at 2679 Cal-Maine Lane in Candler County, Georgia.”

SO ADOPTED, this ___ day of September, 2008

CANDLER COUNTY BOARD OF COMMISSIONERS

By: 
Kent Campbell, Chairman

Attest: 
Doris Strickland, Clerk