

ARTICLE I. LITTER CONTROL AND SOLID WASTE MANAGEMENT ORDINANCE

Section 12-001 Purposes

The Board of Commissioners of Newton County, a political subdivision of the State of Georgia, enact and adopt this ordinance in order to protect the public health, safety and welfare of the citizens of Newton County, to protect the environment, to enhance the physical quality of life in Newton County, and to contribute by these efforts to improving the quality of life in Georgia and enhancing the natural beauty of our State and County by establishing minimum standards for the storage, collection, transportation and disposal of solid wastes that originate in Newton County, or which originate outside of Newton County but are stored, transported or disposed of within Newton County, and by establishing the mechanism by which these standards are enforced.

Section 12-002 Enactment Clause

The Board of Commissioners of Newton County, Georgia, under authority of Article IX, § II, Paragraph I of the Constitution of Georgia (1983), as set forth in § 12-101 of this Ordinance, hereby ordains and enacts into law the following sections.

Section 12-003 Title Clause

This Regulation shall be known and may be cited as “The Litter Control and Solid Waste Management Ordinance of Newton County, Georgia.”

Section 12-004 Definitions of Terms Used in this Regulation

- 1. General.** Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” is always mandatory. The word “may” is permissive and is not mandatory. The “Board of Commissioners” refers to the Board of Commissioners of Newton County, Georgia.
- 2. Specific Definitions.** When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:
 - A. Biomedical Wastes** means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, and other such waste materials.

- B. Business Trash** means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to business operations.
- C. Codes Enforcement Officer** means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Ordinance.
- D. Compactor** means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.
- E. Composting** means the controlled biological decomposition of organic matter into a stable, odor free humus.
- F. Construction/Demolition Wastes** means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.
- G. Construction/Demolition Wastes Landfill** means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.
- H. County** means the duly authorized governing body of Newton County, Georgia, or the geographical area of Newton County, Georgia, outside the corporate limits of any incorporated municipality therein.
- I. Dumpster** means a bulk container used for the collection of garbage, refuse, trash and litter. The use of this term is generic, and does not refer to a bulk container manufactured by a specific manufacturer.
- J. Garbage** means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.
- K. Garbage Bag** means a plastic (or other similar non-porous material) bag or sack designed specifically to contain garbage or household trash in a secure airtight manner. Such bags shall also include suitable means of closure to insure that the material contained therein is not exposed to the outside air.
- L. Hazardous Waste** means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 1992, codified as Appendix VIII to 40 C.F.R. Part 261 - Identification and Listing of Hazardous Waste.
- M. Household Trash** means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.
- N. Industrial 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 this chapter, 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. Junked Vehicles** includes any wrecked or inoperable automobile, truck or other vehicle, or vehicle which does not bear a current license plate.
- P. Landfill, Sanitary** means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.
- Q. Litter** means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this Ordinance.
- R. Monitor** refers to the person or persons authorized by the Board of Commissioners to inspect and patrol the areas where compactors or dumpsters are located in the County, and the roads and streets of the County.
- S. Parking Lot** means (a) an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles; (b) any commercial parking lot or garage; and (c) the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.
- T. Public or Private Property** means the right of way of any road, street or highway; and 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.
- U. Putrescible Waste** means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes which are contaminated by such wastes.
- V. Recycling** means any process by which material which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- W. Sharps** means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.
- X. Solid Waste** means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved

materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

- Y. Road or Street** shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.
- Z. Rubbish** includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material and similar material.
- AA. Scavenge or Scavenging** means any unauthorized or uncontrolled retrieval of discarded solid waste materials.
- BB. Yard Trimmings** means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

3. Classification of Solid Wastes.

- A. Accepted Solid Wastes-Compactors.** The following types of solid wastes shall be classed as “domestic solid wastes” and shall be accepted for disposal in compactors or dumpsters:
 - (1) Garbage in garbage bags.
 - (2) Household trash in garbage bags.
- B. Accepted Construction/Demolition Wastes Landfill.** The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:
 - (1) Construction/demolition wastes.
 - (2) Other types of non-putrescible solid wastes.
- C. Accepted Solid Wastes-Sanitary Landfills.** The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:
 - (1) Garbage
 - (2) Household trash
 - (3) Business trash
 - (4) Rubbish
 - (5) Litter, and
 - (6) Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.
- D. Non-Accepted Solid Wastes.** The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:
 - (1) Some types of industrial waste
 - (2) Hazardous wastes
 - (3) Junked vehicles
- E. Recyclables.** Materials for recycling may be separated for storage at each disposal site.

1. Public Compactors.

- A.** The Board of Commissioners shall designate areas in the County where compactors, intended to be for public use, shall be located and maintained. These compactors shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.
- B.** It shall be unlawful for any person or persons not a resident of Newton County, Georgia, to place or deposit any garbage, refuse, litter, household trash or other material of any kind in these compactors, The compactors shall carry a placard or sign stating that they are solely intended for the use of residents of Newton County, and that it is unlawful to deposit anything other than garbage or household trash therein.
- C.** It shall be unlawful to place or deposit industrial waste or construction/demolition wastes in these compactors unless they are specifically designated for such use by the Board of Commissioners.
- D.** It shall be unlawful to place or deposit any hazardous solid wastes of any kind in the compactors.
- E.** It shall be unlawful for any person to dispose of or discard in the compactor any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
- F.** Ashes deposited in the compactors must be wetted and cool to the touch prior to being placed or deposited in the compactors.
- G.** No highly combustible liquid shall be placed or deposited in the compactors.
- H.** No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited in the compactors.
- I.** It shall be unlawful to place or deposit any garbage or household trash in the compactors without first placing and securing such in a garbage bag of suitable strength and thickness. Objects which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.
- J.** It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the compactors or in any location other than the compactors, unless otherwise directed and except that recyclable materials may be placed in designated containers where provided. Any person using the compactors shall clean up any spills caused by his use of the compactors and shall not drop or discard any garbage or household trash in the area surrounding the compactors.
- K.** Dead or live animals shall not be placed or deposited in or around the compactors.

- L. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.
- 2. Public Construction/Demolition Wastes Landfill and Sanitary Landfill.**
- A. The County, through the Board of Commissioners, may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of construction/demolition wastes landfills and sanitary landfills.
 - B. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Newton County Sanitary Landfill.
 - C. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
 - D. The Board of Commissioners shall restrict certain sites or portions thereof to a specific type or types of solid wastes. The Board of Commissioners may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
 - E. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
 - F. Residents of the County and businesses located in Newton County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instruction of the site attendant.
 - G. Municipalities located within Newton County may use the public landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
 - H. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Commission through amendment of this ordinance or adoption of superseding regulation.
 - I. Authorized public disposal sites shall be operated on the days established from time to time by the Board of Commissioners. During the hours designated by the Board of Commissioners or their designate, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
 - J. No person shall enter a disposal site except when an attendant is present and during the hours and days prescribed in this Ordinance. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

1. **Private Collectors.** It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Newton County Business License. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.
2. **Private Landfills.**
 - A. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Newton County Business License.
 - B. No permit shall be issued by Newton County until the applicant has shown, to the satisfaction of the Board of Commissioners, that all Federal, State and County regulations and ordinances will be complied with in the operation and management of the landfill, waste disposal area, or waste storage area, and that the location of said landfill, waste disposal area, or waste storage area is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Newton County.
 - C. No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Newton County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the landfill, waste disposal area, or waste storage area is to be located, the names of the owner or owners of such property, the names of the operator or operators of the landfill, waste disposal area, or waste storage area, and a description of the types of waste to be handled at said facility.
 - D. It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
 - E. The Board of Commissioners hereby designate its Code Enforcement Officer as its designee who shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Ordinance and all other pertinent laws and regulations of the County.

Section 12-007 Private Litter Control

1. **Commercial Establishments.**
 - A. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and

severally, to provide solid wastes containers of that character, size, number and type as may be specified by the Board of Commissioners or its designee to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.

- B.** All commercial and industrial establishments shall store their solid wastes in containers as specified in this Ordinance so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization shall include solid wastes receptacles, bulk containers and detachable containers. Any spillage or overflow shall be immediately cleaned up by said establishment.
- 2. Loading and Unloading Areas.** All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be determined by the County or its designee, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. The occupant of the premises shall maintain surveillance to insure that all litter is placed in the proper container and the area is kept clean.
- 3. Parking Lots.**

 - A.** All parking lots and establishments with parking lots shall provide solid wastes receptacles. The County or its designee shall have the authority to determine the number and types of receptacles necessary to provide proper containerization, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.
 - B.** It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
 - C.** The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.
- 4. Construction Sites and Demolition Sites.** All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes,

and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be determined by the size of the job, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

5. Residences and Private Properties.

A. All owners or occupants of property shall maintain their property in litter-free condition as reasonably practicable.

6. Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Ordinance or by placing in proper containers in a suitable place readily accessible to sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed from the curb no later than twenty-four (24) hours after the scheduled pickup time.

A. No person shall sweep into or deposit in any street or sidewalk accumulation of litter from any building or property.

Section 12-008 Practices and Procedures

1. General.

A. The following practices and procedures shall be employed by persons in Newton County in order to facilitate the collection of solid waste:

(1) **Solid Wastes.** All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.

(2) **Garbage.** All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.

(3) **Household Trash.** Household trash may be combined with other bagged garbage.

(4) **Injurious Trash Items.** All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

B. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of solid

wastes on any road or street or any public or private property in the county, unless:

(1) The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.

- C. Public Streets and Private Property.** No person shall place any accumulations of solid wastes and trash in any street, median strip, alley or other public place of travel, nor upon any private property except with the written consent thereof, and then only in accordance with the provisions of this Ordinance.
- D. Blockage of Drainage.** No person shall place any solid wastes, trash, solid wastes receptacles, or containers on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
- E. Unauthorized Storage.** Any accumulation of solid wastes or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of solid wastes after appropriate notice from the Board of Commissioners or its designee shall raise the presumption that such person intended to violate this Ordinance.
- F. Appliances.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in *Official Code of Georgia Annotated* § 16-11-100.
- G. Use of Streets.** It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing or falling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.
- H. Junk.** It shall be unlawful for any person to place or leave outside any building or dwelling, any dilapidated furniture, appliance, machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

- I. **Scavenging.** No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection, or remove any contents therefrom or remove such container from its location.
- J. **Scattering of Solid Wastes and Littering.** It shall be unlawful for any person to:
 - (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property;
 - (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.
2. **Contagious Disease Solid Wastes.** The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Newton County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.
3. **Hypodermic Instruments.** No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.
4. **Hazardous Waste, Industrial Waste and Building Material.** No hazardous waste or building material shall be placed in any receptacle at any time. The County shall not be required to collect any hazardous solid wastes, or building material. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.
5. **Yard Trimmings.** Yard trimmings shall be composted on the owner's premises in conformity with this ordinance and any applicable state law or removed by the owner of the property and disposed of in a manner approved by this ordinance. This part shall not require the removal of wood cut and/or stored for later use as firewood.
6. **Trees, Shrubbery Branches, Etc.** Tree and shrubbery branches, limbs and trimming cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be composted on the owner's premises in conformity with this ordinance and any applicable state law or collected and removed by those who have performed the work or shall be removed by the person for whom the work was performed.
7. **Leaves.** Leaves shall be composted on the owner's premises in conformity with this ordinance and any applicable state law or removed by the owner of the property and disposed of in a manner approved by this ordinance.
8. **Receptacles and Containers.**
 - A. Every person in possession, charge or control of any building or from which business trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the

services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.

- B.** All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.
- 9. Household Furniture and Furnishings.** Property owners, themselves or using public or private haulers, shall remove normal household furniture and appliances, including sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters, and similar items.
- 10. Cardboard Boxes and Cartons.** Prior to depositing solid wastes for collection in authorized containers or receptacles or in commercial containers, the person disposing of any such boxes or cartons or the person in charge of the premises shall collapse all cardboard boxes and cartons.
- 11. Covered Trucks.** All persons who desire to haul solid wastes over roads which are a part of county or state road systems shall use a vehicle provided with a cover and operate it so as to prevent solid wastes from being dropped, blown, or spilled therefrom. Any vehicle operated by a commercial hauler and any vehicle of one (1) ton or greater capacity shall be equipped with a cover, securely fastened, adequate to prevent solid wastes from being dropped, blown or spilled therefrom.
- 12. Maintenance.** It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- 13. Burning.** No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal except leaves, trimmings and the like, and household trash may be burned if a burn permit is first obtained from Newton County and weather conditions are favorable. This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from the Board of Commissioners, and the incinerator is operated and maintained in compliance with all applicable regulations.
- 14. Handbills and Advertising Matter.** In addition to the activities declared to be in violation of this Ordinance, the following activities are hereby declared to be unlawful and shall constitute a violation of this Ordinance.
- A.** It shall be unlawful to place in or on any automobile in the county any handbill, circular, pamphlet, poster, or other literature unless the same is secured so as to prevent wind-driven debris and unsightly litter.
- B.** It shall be unlawful for any person to place on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, unless the following conditions are met:

- (1) All such publications and materials shall be placed in a box provided for that purpose or placed in a secure area of a building such as a door jamb or screen door, unless the distributor of such materials agrees to “sweep” the distribution area and retrieve all remaining items within four (4) days of distribution. This procedure shall be referred to as “sweeping.”
 - (a) If “sweeping” is to be performed by a distributor of materials, advance notice of the intention to utilize such procedure must be given to the County.
 - (b) Failure to provide proper notice of “sweeping” procedures by a distributor shall constitute a violation of this section.
 - (c) Failure to timely and adequately perform an approved “sweeping” procedure shall constitute a violation of this section.
 - (2) No such publication shall be thrown, dropped or otherwise placed upon public right-of-way;
 - (3) No such publication shall be thrown, dropped or otherwise placed upon any private property which is vacant or unoccupied; and
 - (4) No such publication shall be thrown, dropped or otherwise placed upon any private property wherein the owner of said property has notified the publisher in writing that he does not wish to receive the publication. Absent a written expression of intent to the contrary, all property owners shall be presumed to consent to delivery by such means.
- C.** It shall be unlawful for any person to tack, post or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way.

15. Dead Animals. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, *O.C.G.A.* § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40-16-2; or the Georgia Comprehensive Solid Waste Management Act, *O.C.G.A.* § 12-8-20 et seq., as applicable.

The term “dead animals” means the carcasses, parts of carcasses, effluent, or blood of farm livestock, including poultry and equines, except where dead animals are found within the rights-of-way of all highways within the state maintained either totally or in part with state funds, in which case “dead animals” means the carcasses or parts of carcasses of all animals, regardless of whether they are considered to be farm livestock, poultry, equines, domesticated animals, pets, or any other type of animal and includes all such animals regardless of the cause of death of such animals.

Acceptable methods for disposal of dead animals are burning, burial, or rendering. It is the duty of the Georgia Department of Transportation to remove and dispose of dead animals found with the rights-of-way of state highways. Where dead animals are found outside the rights-of-way of state highways, no person shall dispose of a dead animal by burial or burning on the land of another without the permission of the owner of the land. Arrangements for proper burial or burning must be made with an appropriate county official prior to disposal of a dead animal in a County Sanitary landfill.

- 16. Abandoned Motor Vehicles.** It shall be unlawful to abandon any motor vehicle as provided in *Official Code of Georgia*, § 40-11-1. Any motor vehicle abandoned within the County shall be disposed of by the proper authorities as provided in *Official Code of Georgia* Chapter 40-11.
- 17. Composting.** Composting is an acceptable means of handling yard trash, tree and shrubbery trimmings, leaves, grass clippings or other organic wastes produced by landscaping and lawn maintenance activities. Composting shall be performed in a manner to minimize offensive odors and prevent escape of wind blown litter from the compost site. Composting activities shall be conducted so as not to constitute a nuisance to neighboring property owners.
- 18. Lead Acid Vehicle Batteries.** No person shall place or dispose of a lead acid vehicle battery in any compactor, dumpster, or landfill located in Newton County, Georgia, or otherwise discard or dispose of a lead acid vehicle battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle batteries.
- 19. Motor Oil.** No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Newton County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.
- 20. Recyclable Material.** The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.
- 21. Biomedical Wastes.** All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

Section 12-009 Community Health and Welfare

- 1. Declared Nuisances.** Within the county, it shall be unlawful for any person to create a nuisance on his property or property occupied by him, or to allow a nuisance to remain on his property or property occupied by him. Dead animals, stagnant water, decayed vegetables or fruits, filthy privies or unkept stables or anything having an offensive odor, or anything that causes injury or damage to the health or life of any other person, are declared nuisances.
- 2. Trash and Weeds.**
- A.** Within the county, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or

causes injury to neighboring property. Drive-in restaurants and other food establishments that permit carry-out food service shall maintain at all times on their premises sufficient receptacles for the disposal of trash, garbage and miscellaneous solid wastes.

- B. Within the county, it shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property on which is located a residential dwelling or commercial establishment or vacant property intended for such use under such circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitute a fire hazard.

Section 12-010 Enforcement

1. Enforcing Officers.

- A. The Board of Commissioners shall name, by appropriate resolution, an employee of the County to serve as their designate and to oversee all matters concerning the enforcement of this Ordinance, to be known as the Codes Enforcement Officer.
- B. The Board of Commissioners shall name, by appropriate resolution, such persons as they feel necessary, to be Monitors. Such Monitors shall be under the supervision of the Codes Enforcement Officer described in the preceding section of this Ordinance and shall patrol, inspect and monitor dumpster and compactor sites to insure compliance with this Ordinance.
- C. The Codes Enforcement Officer, the Sheriff and any deputy of the Newton County Sheriff's Office, shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this Ordinance. Such citation shall be on a form approved for such use by the Board of Commissioners and shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the County who completes and serves it.

2. Rebuttable Presumptions.

- A. Whenever solid waste 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. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.
- B. Whenever any solid waste 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 letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance. If such person can show that he lawfully gave possession, custody and control of such solid wastes to

another person, then he shall make a sworn statement to that effect, supported by any documentary evidence available at which point the presumption shall shift to such other person.

- C. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance unless and until he shall provide a sworn statement providing the name, address and telephone number of the employee or agent who violated this ordinance, the basis of the employer's or principle's knowledge of which individual violated this ordinance, and a statement to the effect that the employee or agent acted outside the scope of his employment or agency.
- D. If a person accused of violating this Ordinance on the basis of the rebuttable presumption created in subsection (A) or (B) of this provision, shall demonstrate by sworn testimony that another person had control of such litter, then the presumption shall shift to such other person.
- E. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the Magistrate, and required to post a bond to his future appearance.

3. Penalties.

- A. Pursuant to *O.C.G.A.* §§ 36-1-21 and 16-7-43(b)&(c), any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by one or more of the following:
 - (1) By a fine of not less the one hundred dollars (\$200.00) and not more than one thousand dollars (\$1,200.00);
 - (2) By imprisonment for a period of not more than sixty (60) days;
 - (3) In the sound discretion of a court in which 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 one (1) mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence;
 - (4) In the sound discretion of the judge of a court in which 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 he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
 - (5) The court may publish the names of persons convicted of violating this Ordinance.

4. Court Proceedings.

- A. Violations of this Ordinance shall be tried upon citations and may be tried with or without a prosecuting attorney as well as upon accusations. The District Attorney may serve as prosecuting attorney.
- B. Violations of this Ordinance shall be tried in the Magistrate Court of Newton County, Georgia, and shall be tried in accordance with the *Official Code of Georgia*, Chapter 15-10.

- C.** Nothing in this Article shall prevent the Board of Commissioners from bringing any civil action for injunction, mandamus or other proceedings to prevent, correct, or abate any violation of this Ordinance. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy, but shall be available in addition to any other sanction, penalty or remedy by law.
- D.** Each violation of this Ordinance shall constitute a separate offense. A continuing violation shall constitute a separate offense for each day during which such violation continues.