

Stewart County Board of Commissioners  
February Work Session Minutes  
February 2, 2016

The Commissioner's work session was called to order at 4:30 PM on Tuesday, February 2, 2016 at the Stewart County Courthouse. Chairman Joe Lee Williams was presiding.

Roll Call: Commissioners in attendance were: Chairman Joe Lee Williams, Vice Chair Arcola Scott, Commissioner Jimmy Lee, and Commissioner Joseph Williams.

Commissioner not in attendance was Commissioner Ernie Brown.

Discussed: Applying for CDBG block grant for 2016.

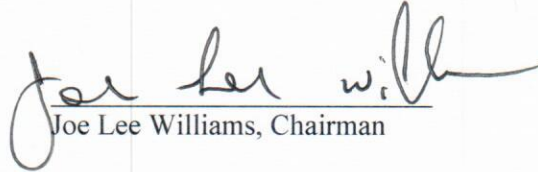
Discussed: The Septic Tank in Omaha, GA

Discussed: On voting on the County Clerk position at the regular meeting on February 9, 2016.

Motion made by Commissioner Williams to adjourn meeting, 2<sup>nd</sup> by Commissioner Jimmy Lee. All Commissioners were in favor, the meeting adjourned.

Meeting was adjourned at 5:00 PM.

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Joe Lee Williams, Chairman

Stewart County Board of Commissioners  
Regular Meeting Minutes  
1764 Broad Street  
Lumpkin, GA 31815  
February 9, 2016

A County Commission Meeting of the Stewart County Board was held on February 9, 2016. The Meeting convened at 10:00 AM at the Stewart County Courthouse with Chairman Joe Lee Williams presiding.

Roll Call:

Commissioners in attendance were:

Chairman Joe Lee Williams

Vice-Chair Arcola Scott

Commissioner Jimmy Lee

Commissioner Joseph Williams

Commissioner Ernie Brown

Other members present:

Diane Babb

Tommy Coleman, Attorney

Motion was made to approve January 5, 2016 Work Session minutes by Vice-Chair Scott, 2<sup>nd</sup> by Chairman Williams. All were in favor. Motion carried.

Motion to approve January 12, 2016 Regular Meeting Minutes and January 28, 2016 Called Meeting Minutes by Vice-Chair Scott, 2<sup>nd</sup> by Commissioner Williams. All were in favor. Motion carried.

Public Appearance –

County Engineer Paul Rakel spoke about repairing bridge on Mathis Road. Mr. Rakel is to meet with Commissioner Brown & Commissioner J. Williams on Feb. 10<sup>th</sup>. The project can be purchased with TIA or LIMG Safety Grant.

Administration Matters:

Motion to adopt Resolution to participant with CDBG by Vice- Chair, 2<sup>nd</sup> by Commissioner J. Williams. All were in favor. Motion carried.

Motion to adopt Ordinance of Trash & other waste by Commissioner Brown, 2<sup>nd</sup> by Commissioner Lee. All were in favor. Motion carried.

Motion to adopt Public Defense contract by Commissioner Lee, 2<sup>nd</sup> by Vice-Chair, All were in favor. Motion carried.

Old Business:

Motion to accept resignation from County Clerk by Commissioner J. Williams, 2<sup>nd</sup> by Vice Chair, All were in favor. Motion carried.

Motion made to close regular meeting and enter into executive session to discuss personnel and litigations by Commissioner Lee, 2<sup>nd</sup> by Commissioner J. Williams. All were in favor. Motion carried.

Commissioners entered into executive session.

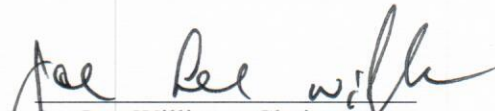
Motion to close executive session by Commissioner J. Williams, 2<sup>nd</sup> by Commissioner Lee  
All were in favor. Motion carried.

Motion was made to hire Mrs. Jackie Ball for County Clerk with salary of \$36,000. To raise  
Asst. Clerk salary to \$32,000 made by Chairman Williams, 2<sup>nd</sup> by Commissioner J. Williams.  
Four were in favor. Commissioner Brown abstained. Motion carried.

Motion was made to adjourn by Chairman, 2<sup>nd</sup> by Commissioner Lee. All were in favor. Motion  
carried.

Meeting adjourned at 11:45 a.m.

  
Diane Babb

  
Joe Lee Williams, Chairman

**RESOLUTION**

**WHEREAS**, the Stewart County Board of Commissioners agrees to participate in the Community Development Block Grant program application process for FY16; and

**WHEREAS**, The FY16 Community Development Block Grant application will be written for the purpose of funding a neighborhood revitalization project within Stewart County, Georgia; and

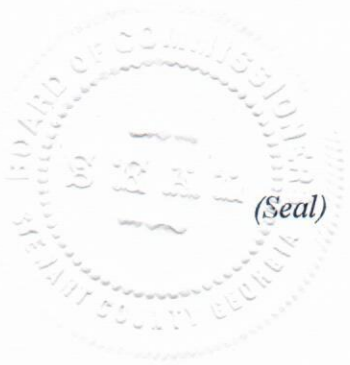
**WHEREAS**, The River Valley Regional Commission will act as the designated agency to write and administer the Community Development Block Grant application for the Stewart County.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of Stewart County to hereby approve to begin the Community Development Block Grant application process for FY16.

**BE IT FURTHER RESOLVED**, that the Chairman is authorized to execute and the County Manager is authorized to attest any and all such applications for funds in connection with such project, as well as execution of any and all other documents which may be reasonably necessary or required in connection with submission of such funding request.

**RESOLVED**, this 9<sup>th</sup> day of FEBRUARY, 2016.

**Stewart County Board of Commissioners**



By: Joe Lee Williams  
Hon. Joe Lee Williams,  
Chairman

Attest:  
County Clerk

By: Anne Holloway  
County Clerk



ORDINANCE NO. 16-02-09

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE DISPOSAL OF TRASH AND OTHER WASTE, FOR THE CONTROL OF LITTER; ESTABLISHING ENFORCEMENT PROCEDURES; ESTABLISHING PENALTIES; AMENDING PRIOR ORDINANCES AND FOR OTHER PURPOSES.**

WHEREAS, the Stewart County Board of Commissioners desires to protect the environment, promote sanitation, and enhance the quality of life for all of their citizens; and

WHEREAS, the Stewart County Board of Commissioners seeks to create a plan whereby household waste and garbage produced by residents of unincorporated areas of the County is disposed of in a sanitary and efficient manner; and

WHEREAS, the Stewart County Board of Commissioners believes it is necessary to establish rules and regulations to control the unsystematic, careless and indiscriminate disposition of garbage and litter throughout the County:

NOW, THEREFORE, BE IT ORDAINED, by the Chairman and the Board of Commissioners for Stewart County as follows:

- Section 1.** The Ordinance attached hereto as Exhibit "A" is hereby adopted.
- Section 2.** The Existing Chapter 30 of the code of ordinances for Stewart County Georgia is hereby repealed in its entirety.
- Section 3.** All other ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 4.** This ordinance shall become effective on March 1, 2016.

SO ORDAINED, this 9<sup>th</sup> day of FEBRUARY, 2016.

**STEWART COUNTY BOARD OF  
COMMISSIONERS**

By: Joe Lee Williams

Chairman, Joe Lee Williams



Attest: Anne Holloway  
Clerk,

## Exhibit A

### Stewart County Waste Management Ordinance

#### Section 30-31 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*"Ashes"* means the residue from the burning of wood, coal, coke or other combustible materials.

*"Building Material"* means any material defined as, but not limited to, lumber, brick, block, stone, carpet, plumbing materials, plaster, concrete, roofing, floor tile, gutters or other substances accumulated as a result of the construction of or repairs or additions to structures or accessory structures or the demolition of such.

*"Business Trash"* means any accumulation of paper, cardboard packaging materials, rags, or accumulations other than garbage or household trash, which result from the operation of stores, offices, and similar business or commercial enterprises.

*"Clinker"* means a brick that has been burned too much in the kiln or stony matter fused together similar to slag

*"Commercial establishment"* means any hotel, motel, restaurant, business, or public or semipublic establishment of any kind, and any master-billed apartment. An operation conducted from a residence requiring a business license is a commercial establishment for purposes of this article.

*"Container"* means a refuse receptacle.

*"Disposal Facility"* means any facility or location where the final deposition of solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment technology facilities.

*"Disposal site"* means an area, location, tract of land or facility used or intended to be used for the disposal of solid waste, putrescible waste, or other waste.

*"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.

*"Egregious litter"* means all litter exceeding ten pounds in weight or 15 cubic feet in volume; any discarded or abandoned substance in any weight or volume if biomedical waste, hazardous waste, or a hazardous substance; or any substance or material dumped for commercial purposes.

*"Garbage"* means the by-product resulting from the growing, harvesting, processing, handling, preparation, cooking, and consumption of animal or vegetable 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 areas or feeding material for flies, insects, or animals.

*"Generator"* means any person in Georgia or in any other state who creates solid waste.

*"Hazardous Refuse"* means materials which constitute a hazard to the health or safety, such as poison, acids, caustic matter or solutions, chemicals, infected materials, offal, fecal matter, explosives, radioactive, and highly flammable substances.

*"Hazardous Waste"* means any solid waste which has been defined as hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal acts which are in force and effect on February 1, 1996, codified as 40 CFR 261.3 and any designated hazardous waste

*"Hazardous Waste Facility"* means any property or facility that is intended or used for storage, treatment, or disposal of hazardous waste.

*"Hazardous Waste Generation"* means the act or process of producing hazardous waste.

*"Hazardous Waste Management"* means the systematic recognition and control of hazardous wastes from generation to final disposition or disposal, including, but not limited to, identification, containerization, labeling, storage, collection, source separation, transfer, transportation, processing, treatment, facility closure, port closure, perpetual care, resource recovery and disposal.

*"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.

*"Industrial Solid Waste"* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under O.C.G.A. tit 12, art 3, part 1 (O.C.G.A. 12-8-60 et seq.), the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to...

*"Industrial Waste"* means all waste, including solids, semi-solids, sludges, and liquids, created by or resulting from the operation of factories, processing plants, or other manufacturing enterprises.

*"Junked Vehicle"* includes any wrecked or inoperable automobile, truck, or other vehicle, or vehicle which does not bear a current license plate.

*"Landfill"* means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

*"Leachate collection system"* means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

*"Litter"* means all discarded man-made materials, including, but not limited to, garbage, household trash, industrial waste, building materials, appliances, or portions thereof, 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 article.

*"Loading and Unloading area"* means a space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.



*"Municipal Solid Waste"* means 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.

*"Municipal Solid Waste Disposal Facility"* means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities.

*"Municipal Solid Waste Landfill"* means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*"Operator"* means the person stationed on the site who is in responsible charge of and has direct supervision of daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

*"Person"* means the state of Georgia or any other state or any agency or institution thereof and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

*"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, commercial, industrial or farm properties, timberlands, or forests.

*"Refuse"* means any solid waste accumulations consisting of any combination of ashes, building material, garbage, hazardous refuse, household trash, and other waste, or discarded materials of all kinds.

*"Refuse Receptacle"* means a container approved by the board of commissioners as acceptable for the temporary reception and storage of refuse pending transportation to a permanent disposal site. The terms shall include plastic bags where approved by the board of commissioners.

*"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.

*"Rubbish"* includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material, and similar material.

*"Scavenge"* or *"Scavenging"* means any unauthorized or uncontrolled retrieval of discarded refuse materials.

*"Solid Waste"* means solid waste as defined by regulations promulgated by the administrator of the United State Environmental Protection Agency pursuant to the federal acts which are in force and effect on February 1, 1996, codified as 40 CFR 261.1, 261.2(a) through (d) and 261.4(a).



*"Tree, Shrubbery and lawn trimmings"* means waste accumulation of tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, grass clippings, or other natural waste.

**Section 30-32                      Penalties; additional remedies; presumptions regarding responsibility for violation.**

- (a) A person who violates any of the provisions of this article, fails to meet standards required thereby, or fails to comply in any way with any requirements of this article or rules and regulations promulgated by the state shall be guilty of an offense triable in the magistrate court of the county and upon conviction punishable as provide in section 1-7.
- (b) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article or the rules and regulations promulgated by the county under this article, the trier of fact shall consider this to be prima facie evidence that the operator of the conveyance has violated this article.
- (c) Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this article or of the rules and regulations promulgated by the county under this article, is discovered to contain any article or articles, including, but not limited to, letters, bills, publications, and 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 article.
- (d) Where any section of this article contains specific remedies or punishments, such specific remedies or punishment shall not be exclusive, but shall be in addition to all other remedies and punishments provided in this article or otherwise provided by law for the violation of or noncompliance with this article or the rules and regulations of the county.
- (e) In addition to all punishment and penalties provided anywhere in this article or otherwise by law, the magistrate's court may impose the following additional or alternative sentences, either as a direct sentence or as a condition to probation:
  - (1) The court may direct the convicted person to pick up and remove from any public street or highway or public right of way any and all litter deposited thereon by anyone else prior to the date of the execution of the sentence
  - (2) The court may direct the convicted person to pick up and remove from any public beach, public park, private right-of-way any and all litter deposited thereon by anyone else prior to the date of the execution of the sentence.
- (f) This article is not intended to repeal or modify in any way any other ordinance of the county relating to the abatement of or punishment for nuisance, junk, weeds, or other matters affecting the health and safety of the public. All remedies provided in this article are supplemental to and in addition to all other remedies provided by the codes of ordinances of the county and by state law.

**Section 30-33                      Emergency abatement of violations**

Nothing contained in this article shall require intermediate measures where the violation is of such nature or degree as to constitute an immediate, clear and present danger to the health and safety of the public. The failure to take the steps provided in this article shall not constitute a defense to any proceeding to enforce the provisions of this article.

**Section 30-34                      Administration; authority to adopt additional regulations**



The board of commissioners shall have charge of the administration of this article. The board of commissioners is authorized to adopt and promulgate rules and regulations concerning waste collection, conveyance and disposal and respecting the size, type, specifications, number and location of all containers and fees charged for collections. Such rules and regulations shall have the force of law, but shall not be contrary to anything in this article, but supplementary thereto.

#### **Section 30-35                      Collection Service**

All residential and commercial buildings in the unincorporated portions of Stewart County shall dispose of solid waste through lawful means. The County shall operate twenty-six (26) convenience centers/dumpsites in the unincorporated areas of the county where residents may deposit solid waste. Disposal of the refuse/solid waste at the convenience center shall be the responsibility of the residential or commercial unit producing the refuse. Each residential unit and commercial unit/business in the city shall pay a monthly charge set from time to time by resolution for the collection of garbage and trash at the convenience centers.

Only business trash, garbage, and household trash shall be deposited at the convenience centers. All waste deposited at the convenience center must be individually bagged and must be placed inside the container at the convenience center. No appliances, mattresses, furniture, lawn waste, electronics, tires or large items which the county does not believe it can accommodate at the county landfill shall be permitted to be deposited at the convenience center. Any individual found to have deposited prohibited goods shall be subject to the remedies specified.'

#### **Section 30-36    Property Maintenance**

In accordance with Stewart County Code Section 10.48, all persons shall keep their property free of trash, garbage and other forms of household waste. It shall be unlawful for the owner, operator or occupant of any building or structure to use the premises of the property for the open storage of any household appliance, glass, building material, building trash or similar item. It shall be the responsibility of the owner, operator and/or occupant of each building to transport solid waste to the convenience centers or other lawful deposit site.

#### **Section 30-37                      Precollection Practices; special waste**

The following practices and procedures shall be followed by persons in the unincorporated areas of the county in order to facilitate the collection of solid waste.

- (1) *Refuse.* Prior to disposal at a county approved facility, all refuse shall be placed and maintained in containers with tightfitting lids or covers and secured in such manner as to prevent overturning by the elements or by dogs or other animals.
- (2) *Garbage.* Prior to disposal, garbage placed in containers shall be enclosed in paper or plastic bags. Household trash shall be drained of all liquids prior to being placed in city waste deposit sites. Household trash shall be combined with garbage.
- (3) *Injurious trash items.* Waste material with potential for inflicting injury, such as broken glass, lightbulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely packaged or wrapped in such a manner as will prevent injury to the collection crews or other



persons. The provisions of this subsection shall not apply to material placed in mechanically handled containers.

- (4) *Hazardous Waste or Hazardous Refuse*. Hazardous refuse or hazardous waste will not be collected by the county. No person shall place any items of hazardous waste or refuse in any refuse receptacle of the county. Federal and state hazardous waste laws shall be observed by all persons, and any violation will be reported to the applicable state or federal authorities.
- (5) *Building Materials*. Building material will not be collected by the county. The owner of the premises or the contractor, builder or person doing the repairs, remodeling construction or demolition shall be required to haul away and legally dispose of all such debris.
- (6) *Ashes and clinkers*. It shall be unlawful to deposit hot ashes in garbage containers. Ashes or clinkers shall not be deposited upon street, sidewalks or sideparks.
- (7) *Pet Litter*. Pet litter must be placed in securely tied plastic bags not to exceed ten pounds in weight and placed in the container.
- (8) *Household furniture and furnishings*. Household furniture and furnishing shall be delivered to an approved landfill by the residential or commercial unit generating such solid waste.
- (9) *Appliances*. Appliances shall be delivered to an approved landfill by the residential or commercial unit generating such solid waste.
- (10) *Disposal diapers*. Disposable diapers must be placed and tied securely in plastic bags.

#### **Section 30-38 General Litter Control**

- 1. 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 litter on any road or street or any public or private property in Stewart County Georgia unless:
  - a. The area is designated by the State, City, County, or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such area. In such case, all litter must be placed in the area designated for the disposal of trash and shall not be placed outside of that area or container.
  - b. The litter is placed into a nondisposable litter receptacle, container, or dumpster designated for the temporary storage of litter or garbage and located in an area designated by the owner or tenant in lawful possession of the property; or
  - c. The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare. Notwithstanding this provision, no individual shall operate a disposal facility as defined by O.C.G.A. § 12-8-22 unless that individual is properly licensed by the Environmental Protection Division of the Department of Natural Resources.
- 2. It shall be unlawful for any person to intentionally dump egregious

litter unless authorized to do so by law or by a duly issued permit:

- a. In or on any road or street or on any public or private property except in containers or areas lawfully provided for such dumping;
  - b. In or on any fresh-water lake, river, canal, or stream or tidal or coastal water of the state; or
  - c. In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state law, rule, or regulation.
3. *Public Streets and Private Property.* No person shall place any accumulations of refuse and trash in any street, median strip, alley, or other public place of travel, not upon any private property except with the written consent thereof, and then only in accordance with the provisions of this Ordinance.
4. *Blockage of Drainage.* No person shall place any refuse, trash, refuse 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.
5. *Unauthorized Storage.* Any accumulation of refuse 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 and the County is hereby authorized to exercise the enforcement powers set forth in Section 10.61 *et seq.* of the County's Property Maintenance Ordinance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the City or its designee shall raise the presumption that such person intended to violate this Ordinance. Such provisions shall apply to any inoperable appliances, electronics, yard equipment or similar large, inoperable piece of equipment.
6. *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar devise without first removing therefrom the lock or door. This Section shall not apply to any appliances, refrigerators, or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped, or locked so that it will be impossible for a child to obtain access to any compartment thereof. It shall be unlawful to store an inoperable appliance in the yard, driveway, or other area away from the home.
7. *Use of Streets.* It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle.



8. *Scavenging.* No person other than the owner thereof shall disturb or interfere with any container or dumpster used for the purpose of storing refuse pending its collection, or remove any contents therefrom, or remove such container from its location.
9. *Disposal of Lead Acid vehicle batteries.*
  - a. No person may place a used lead acid vehicle battery in mixed municipal solid waste or discard or otherwise 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.
  - b. No battery retailers shall dispose of a used lead acid vehicle battery except by delivery to the agent of a battery wholesaler or secondary lead smelter, to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle batteries.
10. *Tire Disposal.*
  - a. No person may dispose of scrap tires at any solid waste disposal facilities within the control of the board of commissioners.
  - b. All scrap tires shall be returned to a retail dealer for proper disposal.
11. *Vacant units, lots and rental units.* The county will not remove garbage, trash building material, household trash or tree shrubbery or lawn trimmings or any other debris that is accumulated. Once advised of violation of this subsection in writing, the owner/manager shall have seven calendar days to remove or have removed all debris. If not accomplished in the allotted time, the county shall dispose of the debris and charge the owner/manager the amount necessary to pay for such removal.

#### **Section 30-39**

#### **Litter Enforcement**

- (a) This Ordinance shall be enforced under Official Code of Georgia Annotated § 16-7-45, as amended, said section being entitled "Litter Control Law."
- (b) Members of the Stewart County Sheriff's Department and Members of the Department of Public Works for the County shall report all complaints of violations of any of the provisions of this Ordinance to the code enforcement officer.
- (c) The Chair of the County Commission and his/her authorized inspectors and the members of the Stewart County Sheriff's Department and are authorized to issue a citation against any person violating this Ordinance.

#### **Section 30-40**

#### **Litter Control Court Proceedings**

- a. Violations of this Ordinance shall be tried upon citations as provided in Official Code of Georgia Annotated § 15-10-63, and may be tried with or without a

prosecuting attorney as well as upon accusation by the County Attorney. The County Attorney shall serve as prosecuting attorney.

- b. Violations of this Ordinance shall be tried in the Magistrate Court of the Stewart County, Georgia and shall be tried in accordance with the Official Code of Georgia Annotated §§ 15-10-60 through 15-10-66.
- c. Nothing in this Article shall prevent the County Commission from bringing civil action for injunction, mandamus, or other proceedings to present, 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.
- e. Prima Facie Case
  - 1. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated this Ordinance.
  - 2. Except as provided in sub-section (a), whenever any litter 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 to, letters, bills, publications, and 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, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this Ordinance.
- f. Penalty
  - 1. Any person violating this Ordinance or any provision hereof, upon conviction, shall be punished as follows:
    - i. By a fine of not less than \$100 and not more than \$1,000;
    - ii. 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 road or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
    - iii. 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 beach, 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/she has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

- iv. The court may publish the names of persons convicted of violating this Ordinance.
- 2. 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 Judge of the Magistrate Court and required to post bond for his/her future appearance.

#### **Section 30-41**

##### **Litter control at commercial establishments**

- (a) *Generally.* Commercial establishments shall store refuse in closed containers that will eliminate wind driven debris and unsightly litter about the establishment. Any spillage or overflow shall be cleaned up immediately by such establishment.
- (b) *Loading and Unloading areas.* All loading and unloading areas shall be provided with refuse receptacles for collecting loose debris, paper, packaging materials and other trash and refuse. The owner or occupant of the commercial establishment shall place a sufficient number of containers in such area as are required to maintaining a clean, neat and sanitary condition at all times. The occupant of the premises shall maintain surveillance to ensure that all refuse is placed in the proper container and that the area is kept clean and free of litter.

#### **Section 30-42**

##### **Disposal of Waste Generally; burning of waste; deposit at landfill**

- (a) There shall be no open burning of solid waste authorized except as provided in the rules of the Georgia Department of Natural Resources, Solid Waste Management, chapter 391-3-4 et seq., and Air Quality, chapter 391-3-1 et seq. and O.C.G.A. tit. 12, art 1 (O.C.G.A. 12-8-1 et seq.), the Georgia Air Quality Act.
- (b) Waste shall be delivered to the landfill only during hours designated and publically announced as hours open for receiving waste.