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Article I. In General

- Sec. 62-1. Recommendations for disposal of garbage and trash.
- Sec. 62-2 Enforcement of Collection and Payment of Unpaid Tipping Fees
- Secs. 62-3. Solid Waste Disposal
- Secs. 62-4 Standards Governing Use of Conveniences Centers
- Secs. 62-5—62-25. Reserved

Article II. Litter Control

- Sec. 62-26. Definitions.
- Sec. 62-27. Dumping, depositing on public or private property or waters.
- Sec. 62-28. Prima facie evidence; rebuttable presumption.
- Sec. 62-29. Enforcement.
- Sec. 62-30. Receptacles.
- Sec. 62-31. Designation of containers for household garbage; misuse or vandalization of container.
- Secs. 62-32—62-50. Reserved.

Article III. Solid Waste, Scrap Tire and Trash

- Sec. 62-51. Definitions.
- Sec. 62-52 Private Disposal Sites
- Sec. 62-53 Private Disposal Sites-Additional Standards
- Sec. 62-54 Public Transfer Stations.
- Sec. 62-55 Legislative Procedures.
- Sec. 62-56. Waste disposal—General.
- Sec. 62-57. Transporting litter and waste.
- Sec. 62-58. Regulation of garbage or litter containers or receptacles.
- Sec. 62-59. Accumulation.
- Sec. 62-60. Violations; penalties.
- Sec. 62-61. Enforcement.
- Sec. 62-62. Fees for Collection of Illegally Violations
- Sec. 62-63. Evidence of violations.
- Sec. 62-64. Yard trimmings.
- Sec. 62-65. Recycling.
- Sec. 62-66. [Effective date.]

ARTICLE I. IN GENERAL

Sec. 62-1. Recommendations for disposal of garbage and trash.

The board of commissioners recommends to the citizens of the county that they use one of the following methods in disposing of their garbage and trash.

- (1) Use the service of some individual contractor who agrees to pick up and dispose of, in a proper manner, your garbage and trash, or
- (2) Use the jointly owned facilities of the city-county landfill located off Georgia Highway 17 northwest of the City of Elberton. A one-half interest in the landfill has been contracted for by the board of commissioners for the use, benefit and services of the citizens of the county in a concerned attempt to relieve the garbage and trash disposal problems.

Do not dump garbage and trash on public property or on private of others in violation of the laws of the state.

Sec. 62-2. Enforcement of Collection and Payment of Unpaid Tipping Fees.

Whenever any person or entity shall have any unpaid tipping fees owed the County, the County may enforce the collection and payment of said unpaid tipping fees along with interest due thereon, if any, in the same manner as authorized by law for the enforcement

of the collection and payment of State and County ad valorem property taxes. The County may enforce the collection and payment of the same in any other legal manner available to the County for enforcing the same. The Elbert County Tax Commissioner is hereby appointed and charged with the enforcement of the provisions of this section. Nothing contained in this Section shall require the County to accept or dispose of solid waste for any person or entity on credit.

Secs. 62-3 Solid Waste Disposal

Users of the Elbert County Transfer Station and Solid Waste Convenience Centers shall pay such fees as may be established by the Elbert County Board of Commissioners by Resolution enacted in accordance with the provisions of § 2 - 55 of the Elbert County Code of Ordinances.

Secs. 62-4 Standards Governing Use of Convenience Centers

(A) The Convenience Centers shall only be used for the disposal of household waste generated in private homes. Waste generated in or by the operation of any business or industry, including but not limited to construction or demolition activities, and any other waste not specifically allowed herein, shall not be disposed of at the convenience centers, but may be disposed of at the Solid Waste Transfer Station unless otherwise prohibited.

(B) All waste disposed of at the convenience centers, except for certain recyclable materials as specified herein, shall be placed entirely in dedicated Elbert County blue bags or yellow bags, which may be purchased from local retailers.

(C) Certain recyclable materials may be disposed of in the designated recycling containers located at the Convenience Centers, as follows:

1) Glass: Only beverage containers of either clear, brown/amber, or green glass may be disposed of in the designated glass recycling containers. Glass recyclables must be separated by color. The following glass items **may not** be disposed of in the glass recycling containers: drinking glasses, window glass, pyrex or visions type cookware, light bulbs, ceramic items, and similar items.

(2) Aluminum: Only aluminum beverage cans may be disposed of in the designated aluminum recycling containers. The following metal items **may not** be disposed of in the aluminum recycling containers: steel or "tin" food cans.

(3) Plastic: Only empty milk jugs, water jugs, juice jugs, and soda bottles marked with recycling code #1 or #2 may be disposed of in the designated plastic recycling containers. The following plastic items **may not** be disposed of in the plastic recycling containers: motor oil containers, butter tubs, plastic bags, foam, plastic cups, or plastic plates.

(4) Newspapers: Only clean, dry, untied and unbagged newspapers and newspaper inserts may be disposed of in the designated newspaper recycling containers. The following paper items **may not** be disposed of in the newspaper recycling containers: telephone books, cardboard, hardbound books, or magazines.

(5) Magazines: Only magazines may be disposed of in the designated magazine recycling containers. The following paper items **may not** be disposed of in the magazine recycling containers: telephone books, cardboard, hardbound books, or newspapers.

(6) Cardboard: Only clean and dry cardboard or poster board may be disposed of in the designated cardboard recycling containers. Cardboard boxes must be broken down to conserve space before being placed in the cardboard recycling containers. The following cardboard items **may not** be disposed of in the cardboard recycling containers: wax coated or plastic lined cardboard boxes.

(7) Scrap Metal: Only dishwashers, stoves, water heaters, washing machines, refrigerators, and other non-prohibited scrap metal items may be disposed of in the designated scrap metal recycling containers. The following metal items **may not** be disposed of in the scrap metal recycling containers: metal cans, drums containing any liquid (such as oil, gas, paint, or chemicals), or wire.

(8) Bulk Waste: Only chairs, sofas, mattresses, television set, and other furniture items may be disposed of in the designated bulk waste recycling containers. The following bulk items **may not** be disposed of in the bulk waste recycling containers: any item that will fit in a County blue bag, construction and demolition waste, carpet, grass clippings, brush, leaves, limbs, or tires.

(D) Users of the Elbert County Transfer Station and Convenience Centers are encouraged to recycle their waste when at all practical.

Secs. 62-3—62.25. Reserved

ARTICLE II. LITTER CONTROL

Sec. 62.26. 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:

Litter means all sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or discarded materials of every kind and description.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge or conservation or recreation area; and residential or farm properties, timberlands, or forests.

Sec. 62-27. Dumping, depositing on public or private property or waters.

- (a) It shall be unlawful for any person to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this state or any waters in this state, unless:
 - (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use the property;
 - (2) The litter is placed into a litter receptacle or container installed on such property; or
 - (3) 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.

- (b) It shall be unlawful for any person to violate subsection (a) of this section, and, upon conviction, such person shall be punished as follows:
- (1) By a fine of not less than \$300.00 nor more than \$1,000.00. Any such person who violates subsection (a) of this section may be punished for a term of imprisonment not to exceed 60 days;
 - (2) 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 mile any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or (3) In the sound discretion of the judge of a court in which 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 the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.
- (c) The court may publish the names of persons convicted of violating subsection of this section.

Sec. 62-28. Prima facie evidence; rebuttable presumption.

- (a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of section 62-27, it shall be prima facie evidence that the operator of the conveyance has violated this article.
- (b) Except as provided in subsection (a) of this section, whenever any litter dumped, deposited, thrown or left on public or private property in violation of section 62-27 is discovered to contain any article, including but not limited to letters, bills, publications, or other writings, which displays 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 section 62-27.

Sec. 62-29. Enforcement.

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this article.

Sec. 62-30. Receptacles.

All public authorities and agencies having supervision of properties of this state are authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of this article, and to otherwise publicize the availability of litter receptacles and requirements of this article.

Sec. 62-31. Designation of containers for household garbage; misuse or vandalization of container.

- (a) As used in this section, the term "household garbage" means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as byproducts of a

household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

(b) The board of commissioners which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only. If a container is clearly marked "household garbage only," it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

(c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by the county for the dumping of trash or garbage.

(d) Any person who violates subsection (b) or (c) of this section shall, upon conviction, be punished as provided in section 1-12.

Secs. 62-32. Fees for Collection of Illegally Dumped Litter in Violation of Sec.62-27

Whenever any person or entity is found by the Magistrate Court of Elbert County or other Court of competent jurisdiction to have violated the provisions of Section 62-27 of the Elbert County Code of Ordinances, the County may collect and dispose of said illegally dumped litter, and may assess fees in the amount of \$20.00 per hour per worker involved in the collection and disposal of the same. The assessment of said fee shall be in addition to any fines or criminal penalties assessed for a violation of said Section. The County may enforce the collection and payment of said fees along with interest due thereon, if any, in the same manner as authorized by law for the enforcement of the collection and payment of State and County ad valorem property taxes. The County may enforce the collection and payment of the same in any legal manner available to the County for enforcing same. The Elbert County Tax Commissioner is hereby appointed and charged with the enforcement of the provisions of this Section, once said fees have been assessed. Nothing contained in this Section shall require the County to collect and dispose of said illegally dumped litter in any particular situation.

Sec. 62-33—62-50 Reserved.

ARTICLE III. SOLID WASTE, SCRAP TIRE AND TRASH*

Sec. 62-51. 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:

Litter means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description which are not waste as such term is defined herein.

Public or private property means the right-of-way of any road or highway; any body of water or water course; any park, playground, building, refuge, or conservation or recreation area; any residential or farm properties, timberlands, or forests.

Waste means all discarded substances and materials whatsoever Exceeding ten pounds in weight or 15 cubic feet in volume, hazardous waste (as that term is defined in O.C.G.A. § 12-8-62), a hazardous substance (as that term is defined by O.C.G.A. § 12-8-92), or any such substance or material dumped for commercial purposes. "Waste" includes without limitation, bottles; boxes; containers; papers; tobacco products; tires; appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; motor vehicles and motor vehicle parts; vessels; aircraft equipment; waste oil; batteries; antifreeze; sludge for a wastewater treatment facility; and any other discarded

material or substance of every kind and description resulting from domestic, industrial, commercial, mining or governmental operations, including household, commercial, construction and demolition waste, or industrial solid waste which is non-hazardous, non-medical, and in a form classified as solid waste by the Georgia Department of Natural Resources..

Scrap tires means all tires which are no longer suitable for their original intended purpose because of wear, damage. +

Private Disposal Site landfill, waste disposal area, or waste storage shall mean a municipal solid waste landfill, as that term is defined in the Georgia Solid Waste Management Act in effect on the effective date of this amendment that is not owned or operated by Elbert County. But shall not include a private industry solid waste disposal facility, or a waste-to-energy facility receiving biomass or municipal solid waste, or any land fill or waste storage or disposal area associated with and under the same ownership as such a waste-to-energy facility located in Elbert County, as such facilities are defined in said act."

*Added
O.C.G.A. 12-8-20*

Sec. 62-52. Private Disposal Sites - Special Use Permits Required.

(1) It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used by the owner or used by others for the disposal or storage of waste without first having filed the proper application for a special use permit with the Elbert County Board of Commissioners and having obtained such a special use permit. The owner of any landfill must also obtain a proper permit from the Department of Natural Resources, must meet all the requirements of the Rules of Georgia Department of Natural Resources Environmental Protection Division, Chapter 391-3-4, Solid Waste Management, must be in compliance with the Elbert County Code of Ordinances including but not limited to this Chapter 62, Chapter 34 and Chapter 36, must be consistent with Elbert County's Solid Waste Management Plan as part of the Northeast Georgia Regional Solid Waste Management Plan in effect at the time of the application, and must be consistent with the Elbert County Comprehensive Plan in effect at the time of this application. Any application that is granted by the Elbert County Board of Commissioners shall be subject to additional terms and conditions that the Board deems necessary in the discretion of the Board.

(2) No special use permit shall be issued by Elbert County until the applicant has shown, to the satisfaction of the Board of Commissioners or its designee 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 disposal site is such that there is no or minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, and that the location of said disposal site is such that there is no or minimal detriment to the surrounding area, especially in regards but not limited to traffic safety, storm drainage, and land value, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Elbert County.

(3) Each applicant for a special use permit shall apply to the Elbert County Board of Commissioners by written application on forms approved by the Board of Commissioners. All questions and information requested on the application form shall be filled in and subscribed to by all applicants under oath by the owner of the proposed private disposal site, if an individual, or by a partner, shareholder, or member of the owner of the proposed private disposal site if a partnership, corporation, or LLC. All applications must be filed at least 30 days prior to the date considered by the Board. The application will be considered only at a regular meeting of the Board, and only after an advertisement of intent to apply for a special use permit is published in the legal organ of the County once, at least 15 but not more than 45 days prior to the date that the

(11) No private disposal site shall be located within one (1) mile of any residence or water supply well, as determined by the Board of Commissioners.

(12) Any related solid waste handling facility and its accessory structures shall not be located closer than 500 feet from the interior boundary lines of the subject property. Where practicable, the solid waste handling facility shall be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact.

(13) No private disposal site shall interfere with the established natural flow of surface waters to the detriment of or damage to adjoining public or private properties. The Board of Commissioners shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial water or sediment may be carried into any nearby property or waters.

(14) Whenever the provisions of this code section and those of some other ordinance, resolution, regulation, or statute apply to the same subject matter, that ordinance, resolution, regulation, or statute requiring the highest or most strict standard shall govern.

Sec. 62-54. Public Transfer Stations.

Elbert County, itself or through its agents and/or assigns, may continue to operate and maintain its existing solid waste transfer stations at their existing locations located on County owned or leased property and in compliance with all applicable State and Federal laws and regulations.)

Sec. 62-55. Legislative Procedures.

Any proposed action by the Board of Commissioners to enact, amend, or repeal any part of this Chapter 62 of the Code of Ordinances of Elbert County shall be considered only at a regular meeting of the Board, and only after an advertisement of said proposed legislative action is published in the legal organ of the County once, at least 15 but not more than 45 days prior to the date that the proposed legislative action is considered. Said advertisement shall state the time, place, and purpose of the hearing thereon. At said hearing, proponents of the proposed legislative action shall be allowed to present data, evidence, and opinion as to the proposed action, and opponents of the proposed legislative action shall be allowed to present data, evidence, and opinion as to the proposed action. Proponents and opponents of the proposed special use permit shall be allowed at least 5 minutes per person and at least 15 minutes per side to present data, evidence, and opinion. The Board, in its discretion, may allow proponents or opponents additional time if the circumstances of the particular proposed action require it, but only if it allows equal additional time to both sides. In addition to oral presentations, proponents and opponents may submit written data, evidence, and opinion to the Board. The Board does not deem any provision of this Chapter 62 of the Code of Ordinances of Elbert County to be a zoning ordinance, but the Board is requiring these procedures in order to afford the residents of the County and all interested parties full opportunity to be heard on any matter regarding private disposal sites.

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Sec. 62-56. Waste disposal—General.

(a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposition of garbage, litter, waste, scrap tires and refuse on the premises used or occupied by such person. (b) It shall be unlawful to dump, deposit, throw or leave or to cause to permit the dumping, depositing, placing, throwing or leaving of litter, waste or scrap tires at any place in this county, including, without limitation, any public or private property in this county or any waters in this county unless such litter or waste originates in this county, and; (1) The property is designated and permitted by the State of Georgia

application is considered. Said advertisement of intent shall state the time, place, and purpose of the hearing thereon. At said hearing, proponents of the proposed special use permit shall be allowed to present data, evidence, and opinion as to the application, and opponents of the proposed special use permit shall be allowed to present data, evidence, and opinion as to the application. Proponents and opponents of the proposed special use permit shall be allowed at least 5 minutes per person and at least 15 minutes per side to present data, evidence, and opinion. The Board, in its discretion, may allow proponents or opponents additional time if the circumstances of the particular application require it, but only if it allows equal additional time to both sides. In addition to oral presentations, proponents and opponents may submit written data, evidence, and opinion to the Board. Any applicant who claims that a denial of their application was unconstitutional or contrary to law shall, upon request, be entitled to a hearing at which evidence of such unconstitutionality or illegality shall be presented.

(4) 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.

(5) The Board of Commissioners shall designate County employees and its designees 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 regulation of Elbert County.

Sec. 62-53. Private Disposal Sites - Additional Standards

(1) Every private disposal site shall be located on a State Highway for ingress and egress thereto, and shall not create traffic through any primarily residential area, as determined by the Board of Commissioners.

(2) No private disposal site shall be located within the corporate limits of the City of Elberton or the City of Bowman.

(3) No private disposal site shall be located within three (3) miles of the corporate limits of the City of Elberton or the City of Bowman, as determined by the Board of Commissioners.

(4) No private disposal site shall be located within three (3) miles of the boundary line of any neighboring County that does not participate in the Northeast Georgia Solid Waste Plan, as determined by the Board of Commissioners.

(5) No private disposal site of waste shall be located within three (3) miles of a lake or river or "state waters" as defined in O.C.G.A. § 12-7-3(14), as may be amended from time to time, and as determined by the Board of Commissioners.

(6) No private disposal site shall be located within three (3) miles of a cultural or historical site (including, but not limited to, the Nancy Hart cabin, the Dan Tucker gravesite, the Stephen Heard Cemetery, the Petersburg Township site, Vans Creek Church, the Elbert County Courthouse, the Elberton Seaboard-Airline Depot, the Rock Gym, the Granite Bowl, the Elberton Granite Museum and Exhibit, the Richard B. Russell Dam, the Elbert Theatre, and the Georgia Guidestones), as determined by the Board of Commissioners.

(7) No private disposal site shall be located within three (3) miles of a State Park, as determined by the Board of Commissioners.

(8) No private disposal site shall be located within three (3) miles of a government building or facility, a memorial park, a recreation park or area, a senior center, or a community center, as determined by the Board of Commissioners.

(9) No private disposal site shall be located within three (3) miles of any primarily residential area, as determined by the Board of Commissioners.

(10) No private disposal site shall be located within three (3) miles of any church or cemetery, as determined by the Board of Commissioners.

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and/or by the county board of commissioners or its duly designated agent for disposal of litter and waste, and the person is authorized to use such property; and (2) The litter or waste is placed into a receptacle or container installed on such property; however, any litter or waste placed into such a receptacle or container installed on such property must not be allowed to accumulate for an unreasonable period of time, and in no event shall it be allowed to accumulate to the point of overflowing the container or receptacle or to a point where the container or receptacle may not be closed.

(c) It shall be unlawful for any person to dump or place waste unless authorized to do so by law or by a duly issued permit: (1) In or on any public highways, road, street, alley or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers of areas lawfully provided for such dumping. (2) In or on any fresh water lake, river, canal or stream or creek; or (3) In or on any public or private property unless such dumping will not adversely affect the public health and is not in violation of any other local, state or federal law, rule or regulation.

Sec. 62-57. Transporting litter and waste.

(a) It shall be unlawful to drive or operate a vehicle in county hauling wet or moist litter or waste which leaks, flows freely or spills from such vehicle. (b) Any litter or waste hauled on a moving vehicle in the county shall be covered or secured in such a manner that the litter or waste will not blow or escape from said vehicle while moving or parked on public streets or roadways in county.

(c) It shall be unlawful for any vehicle to transport litter or waste on any public streets or roadways in the county without suitable coverings or other restraint devices securely fastening such litter or waste to the vehicle so as to prevent any materials from being deposited on the roads or adjoining areas of the county. However, this section shall not prohibit the necessary spreading of any substance in public road maintenance or public road construction operations.

Sec. 62-58. Regulation of garbage or litter containers or receptacles.

(a) All garbage or litter containers or receptacles shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for garbage and litter disposal.

(b) Persons using garbage or litter containers or receptacles shall deposit all authorized garbage and refuse into the container or receptacle. (c) No person shall deposit any

burning or smoldering material in any such container or receptacle. (d) No person shall set fire to the contents of any such container or receptacle. (e) No dead animals shall be deposited in any such container or receptacle. (f) No person shall deposit large non compactable articles in such containers or receptacles such as stoves, refrigerators, bed springs, mattresses, tires, large tree limbs, air conditioning units, or similar items.

(g) No one shall deposit any flammable or explosive materials in any such containers or receptacles. (h) No person shall place or scatter litter or waste around such containers or receptacles.

Sec. 62-59. Accumulation.

(a) No owner or occupant of any premises in the unincorporated areas of the county shall allow litter or waste to accumulate thereon. No owner or occupant of any such property shall bury or burn litter or waste without prior authorization and permission from the applicable regulatory agency, including but not limited to, the environmental protection agency, environmental protection division and/or the Georgia Forestry Service. Nothing in this provision shall authorize or be construed to permit the burial or burning of any

material which is otherwise prohibited by state or federal law. (b) No owner or occupant of any property shall allow the accumulation on his or her premises of garbage or waste where

such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors. (c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers used for the storage or dumping of litter or waste.

(d) The conduct described in paragraphs (a)—(c) of this section shall constitute a separate violation of the article for each day the garbage or waste material remains on such premises.

Sec. 62-60. Violations; penalties.

Any person, firm, or corporation violating any portion of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(1) By fine of not less than \$100.00 nor more than \$1,000.00 or up to 60 days imprisonment or both. Each day the violation continues shall be a separate offense. However, this section shall not preclude the county from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the county to have both civil and criminal rights of prosecution in this area; and/or

(2) In the sound discretion of a court in which conviction is obtained, the violator 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 mile any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; and/or

(3) In the sound discretion of the court in which conviction is obtained, the person may be directed to pick up and remove from a public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter thereon, and all litter deposited thereon by anyone prior to the date of execution of sentence; and/or (4) The court may publish the names of persons convicted of violating this article. (5) In the case of an improper garbage or waste disposal site, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this article. The county shall not be responsible for any costs of clean up or remediation.

Sec. 62-61. Enforcement.

Enforcement of this article shall be the responsibility of the county code enforcement officer or his/her designee or the county sheriff or his/her designee. Any person or persons authorized to enforce this article shall be empowered to enter any property, upon reasonable cause, at reasonable times, in order to inspect the property for violations of this article, subject to the condition that to allow entry on private property for inspection, the alleged violation of this article must be visible from a public road or right-of-way, or upon such officer having received a written complaint signed by three residents of separate households of Elbert County, Georgia alleging a violation of this article. The Magistrate Court of Elbert County shall also be authorized to issue summons for hearings on alleged violations of this article upon written accusation of any person sui juris alleging such violation.

Sec. 62-62. Fees for Collection of Illegally Dumped or Accumulated Waste in Violation of Sec. 62-52, or 62-55.

Whenever any person or entity is found by the Magistrate Court of Elbert County or other Court of competent jurisdiction to have violated the provisions of Section 62-52, 62-54, or 62-55 of the Elbert County Code of Ordinances, the County may collect and dispose of said illegally dumped or accumulated waste, and may assess fees in the amount of \$20.00 per hour per worker involved in the collection and disposal of the same. The assessment of said fee shall be in addition to any fines or criminal penalties assessed for a violation of said Section. The county may enforce the collection and payment of said fees along with interest due thereon, if any, in the same manner as authorized by law for the enforcement of the collection and payment of State and County ad valorem property taxes. The County may enforce the collection and payment of the same in any other legal manner available to the County for enforcing the same. The Elbert County Tax Commissioner is hereby appointed and charged with the enforcement of the provisions of this Section, once said fees have been assessed. Under this Section, property owners shall be responsible for the disposal of waste illegally accumulated by their renters, lessees, guests or invitees. Nothing contained in this Section shall require the County to collect and dispose of said illegally dumped or accumulated waste in any particular situation.

Sec. 62-63. Evidence of violations.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article. (b) Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of the article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing 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 violate this article.

Sec. 62-64. Yard trimmings.

Yard trimmings shall not be placed in or mixed with solid waste. Yard trimmings shall not be disposed at any solid waste disposal facility having liners and leachate collection systems or Requiring vertical expansion within the county. Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible. Any yard trimmings to be collected by any entity other than the property owner shall be sorted and stored in such a manner as to facilitate collection, composting or other handling.

Sec. 62-65. Recycling.

The county board of commissioners hereby finds that it is in the best interests of the citizens of the county, in order to promote the health, safety, welfare and morals of the citizens of the county, to recycle as many waste materials as possible in order to reduce the accumulation of litter and garbage and solid waste material within the county and to reduce the overall solid waste materials which must be properly disposed of. Therefore, it is the policy of the county board of commissioners to encourage recycling whenever practicable.

Sec. 62-66. [Effective date.]

This article shall take effect January 1, 1999, and shall be enforced from and after such date, the public welfare demanding it.