

ORDINANCE NO. 58

SOLID WASTE ORDINANCE

ARTICLE II. WASTE MANAGEMENT

DIVISION 1. GENERALLY

Sec. 58-31. Title.

This article shall be known as the "Lincoln County Waste Management Ordinance."
(Ord. No. 32, § 101, 6-7-1994)

Sec. 58-32. 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. Words, terms and phrases not specifically defined in this section shall have their ordinarily understood meaning.

Definitions contained in O.C.G.A. § 12-8-1 et seq., and more particularly set forth in O.C.G.A. § 12-8-22, are hereby incorporated by reference; provided, however, that terms defined therein which are not used in this article shall be deemed to be inoperative.

- a) Agreement: A contract agreement, including exhibits and any amendments thereto, agreed to by the County and the Contractor during the term of the Agreement, providing for solid waste collection services.
- b) Board: means The Lincoln County Board of Commissioners.
- c) Bulk Items: Those items of furniture, such as sofas, chairs, tables, carpets and other large items, which cannot reasonably be placed in a 95 gallon rollout cart.
- d) Cart: An industry standard cart and rollout receptacle for Residential Solid Waste with a capacity of not less than 95 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors.
- e) C & D Materials: Waste materials generated by the construction, remodeling, repair or demolition of residential, commercial or other structures.
- f) Commercial Premises: All non-Residential Premises, public or private requiring solid waste collection within the unincorporated area of the County, including commercial, industrial, institutional, and governmental premises.

- g) Commercial Hand-load Customer: All Commercial Premises utilizing a Cart for the placement of their solid waste for collection by the Contractor.
- h) Commercial Solid Waste: All Garbage, Rubbish and other acceptable waste generated by a Commercial Premises and all C & D Materials, excluding Hazardous Waste.
- i) County: Lincoln County, Georgia, a political subdivision of the State of Georgia.
- j) Curbside: The locate adjacent to the traveled portion of a publicly owned roadway designated by the Contractor for the placement of Carts and other solid waste for collection.
- k) Contractor: Person, firm, corporation, organization, or entity with whom the County has executed a contract for performance of the work or supply of equipment or materials, and its duly authorized representative.
- l) Facility: means one or more o the following: (1) Materials recovery facility; (2) Municipal solid waste disposal facility; (3) Private industry solid waste disposal facility; (4) Recovered materials processing facility; all as defined in O.C.G.A. section 12-8-22.
- m) Garbage: Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other farm products.
- n) Hazardous Waste: Any solid waste identified or listed as a hazardous waste by any agency of the State of Georgia or the administrator of the U.S. Environmental Protection Agency pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 72 U.S.C. 6901 et seq., as amended, including future amendments thereto.
- o) Permit: means any permit issued by the director pursuant to the provisions of O.C.G.A. section 12-8-1, et seq.
- p) Plan: means the Lincoln County Solid Waste Management Plan.
- q) Residential Premises: A dwelling within the unincorporated area of the County occupied by a person or group of persons, including single family homes, duplexes, triplexes, quadraplexes, and mobile homes whether such mobile homes are registered as vehicles or assessed as real property.

- r) Residential Solid Waste: All Garbage and Rubbish generated by a Residential Premises, excluding automobile parts, tires, C & D Materials, Yard Waste, White Goods, Hazardous Waste, or other unacceptable materials.
- s) Rubbish: Non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans or other such waste.
- t) Rule: means one or more rules of the State Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4, Solid Waste Management.
- u) Tire: means a hollow ring made of rubber or other materials, which is designed for placement on the wheel or rim of a motor vehicle to facilitate its operation. In this Article, the word applies to used, discarded or scrap tires.
- v) White Goods: Refrigerators, ranges, washers, water heaters, and other similar domestic appliances.
- w) Yard Waste: Leaves, brush, grass clippings; shrubs and tree prunings and other vegetative materials from the maintenance of yards, lawns and landscaping at Residential Premises.

(Ord. No. 32, §§ 102, 201, 6-7-1994)

Cross references: Definitions generally, § 1-2.

Sec. 58-33. Supervision and administration.

The board shall specify from time to time the division or agency of the county which shall have supervisory and enforcement authority with respect to the provisions of this article. Unless otherwise specified in this article, whenever there is any requirement for the county to take any action or receive any action, the designated division or agency shall act on behalf of the county.

(Ord. No. 32, § 103, 6-7-1994)

Cross references: Administration, ch. 2.

Sec. 58-34. Construction with other ordinances.

This article shall be read and implemented in conjunction with chapter 22, article II, and the comprehensive zoning ordinance of the county, and the provisions and requirements of each ordinance shall be construed so as to facilitate and supplement the others. Any conflict between or among the ordinances shall be read to require the application of the strictest rule or standard provided among them.

(Ord. No. 32, § 104, 6-7-1994)

Sec. 58-35. Dumping.

(a) *Dumping prohibited.* It shall be unlawful for any person to dump or cause to be dumped any solid waste anywhere in the unincorporated area of the county except as may be permitted pursuant to rules and regulations from time to time established by the county.

~~(b) — *Exemption.* The provisions of subsection (a) of this section shall not apply to any individual disposing of solid waste originating from his own residence onto land or facilities owned by him when disposal of such waste does not thereby adversely affect the public health and is not in violation of any state law, rule or regulation.~~

(Ord. No. 32, § 501, 6-7-1994)

Sec. 58-36. Collection and disposal of county waste.

A person who intends to operate a facility shall prepare a plan collection and disposal plan for the collection and disposal of municipal solid waste generated within the county. The collection and disposal plan shall be submitted to the board concurrently with the cost deposit required in section 58-82(c). The collection and disposal plan shall conform to and be consistent with the provisions of the Lincoln County Solid Waste Management Plan. Upon commencement of business or at such later time as may be specified by the board, the person shall, at no cost to the county, implement the collection and disposal plan or such portion thereof which shall be approved and adopted by the board.

(Ord. No. 32, § 502, 6-7-1994)

Sec. 58-37. Prohibitions and restrictions.

~~Notwithstanding any other provisions contained in this article, on or after June 7, 1994:~~

~~(1) — *Tire disposal.* Scrap tires shall not be disposed of in the county.~~

~~(2) — *Yard trimmings.* Yard trimmings shall not be placed in or mixed with municipal solid waste.~~

(Ord. No. 32, § 503, 6-7-1994)

Sec. 58-38. Enforcement and penalties.

(a) *Business license; nuisance.* Violations of this article shall constitute grounds for suspension or revocation of a person's business license. The provisions and requirements of this article may be enforced by injunction. Any nuisance created in the operation of a facility may be the subject of an abatement action. Each day a violation or nuisance continues shall be deemed a separate offense.

(b) *Penalties.* Violations of this article shall be tried in magistrate court of the county upon citation as provided in O.C.G.A. § 15-10-63 or upon accusation by the county attorney as provided in O.C.G.A. § 15-10-62 and shall be punishable as provided in section 1-9. In either event, the county attorney is designated as prosecuting attorney on behalf of the county. Citations for violations of this article shall be issued by any agent of the county authorized for that purpose by resolution of the board.

(Ord. No. 32, § 504, 6-7-1994)

Secs. 58-39--58-60. Reserved.

DIVISION 2. SOLID WASTE MANAGEMENT PLAN

Sec. 58-61. Adoption.

The Lincoln County Solid Waste Management Plan adopted pursuant to O.C.G.A. § 12-8-31.1 is attached to this Ordinance No. 32 as an appendix. The plan shall serve as a guide for the management of solid waste generated in the county.

(Ord. No. 32, § 201, 6-7-1994)

Sec. 58-62. Amendment.

The plan shall be amended only to the extent and in the manner permitted or required by laws of the state.

(Ord. No. 32, § 202, 6-7-1994)

Secs. 58-63--58-80. Reserved.

DIVISION 3. FACILITIES MANAGEMENT AND REGULATION

Sec. 58-81. Facilities affected.

This article shall apply to any facility which is proposed by any person to be located within the county.

(Ord. No. 32, § 301, 6-7-1994)

Sec. 58-82. Prepermitting requirements.

(a) *Registration.* A person having any intent or proposing to take any action toward obtaining a permit for the installation and operation of a facility in the county shall first register with the county on forms provided by the county and maintained as a public record by the ~~clerk or the board~~ [office of Planning and Zoning]. Registration shall include the person's name, address, telephone number, his officers and directors (if any), his shareholders (if not more than 20), the type of facility for which the person intends or proposes to obtain a permit, location of the proposed facility, and any engineering, scientific, technological or other professional engaged to provide any testing data, opinions, reports, plans and/or consultations. Any person who registers pursuant to the provisions of this section shall advise the ~~clerk~~ [office of Planning and Zoning] in writing of any changes in the information provided.

(b) *Reporting.* Any person who has registered pursuant to this section shall file a monthly report, which shall be due not later than the tenth day of the month following such registration, and not later than the tenth day of each month thereafter, describing any action taken on behalf of the person during the preceding month. At such time as the person files an application for a permit, a complete copy with all supporting documents and accompanying information shall be filed with the ~~clerk~~ [office of Planning and Zoning].

(c) *Cost deposit.* Upon filing an application for a permit, the person making the application shall make a deposit of \$500.00 with the ~~clerk~~ [office of Planning and Zoning] for the purpose of defraying costs incident to the facilities negotiating process provided by O.C.G.A. § 12-8-32 and for other notifications required by this article. If the cost deposit should be insufficient to defray in full the actual costs of the required notices, the person making the application shall pay the deficiency within five days of request therefor by the county.

(d) *Supplemental notifications.* Incident to but separate from the facilities negotiating process, the person making application shall also give written notification of the facilities negotiating process to all residents and owners of real property located within two miles of any portion of the site for the proposed facility.

(e) *Notice of commencement.* Upon approval of an application for the installation and operation of a facility in the county, the person making the application shall give the county notice of the date upon which he intends to commence operations.

(Ord. No. 32, § 302, 6-7-1994)

Sec. 58-83. General operational regulations.

(a) *General compliance.* A facility shall be operated at all times in compliance with all rules, regulations, orders and decrees of the division. A facility shall be operated so as to prevent air, land or water pollution or other public health hazards.

(b) *Business license.* No facility shall be operated until a business license to operate in the county has been obtained. A business license shall be subject to suspension and/or revocation as provided in chapter 22, article II, for any violation of this article or any other ordinance or regulation of the county.

(c) *Hours of operation.* A facility shall only operate between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday; provided, however, when circumstances exist which reasonably require operation of the facility outside the established hours of operation for the benefit of the public health, safety and welfare of residents of the county, the division, upon notice to the county, or the county may authorize extended operations. For the purpose of this article, the term "hours of operation" shall commence with the reporting of employees for work and shall stop upon release of employees for the day.

(d) *Residential distances.* No facility shall be located within 500 feet of a residence.

(e) *Supervision.* A facility shall be under the immediate supervision of a registered engineer or a certified geologist at all times when it is in operation. This provision shall not be in lieu of the presence of an operator as provided by O.C.G.A. § 12-8-22(21).

(f) *Fencing.* A facility shall be enclosed with a security fence at least eight feet high with openings therein not more than those in two-inch mesh wire or some other similar fencing material or device. Litter control fencing shall be installed adequate to prevent paper and similar items from blowing from the facility onto neighboring property.

(g) *Operating procedures.* A copy of all current operating procedures in use at a facility shall be filed with the county and shall be subject to review and comment by the county.

(h) *Reports.* A copy of all reports filed with other governmental entities shall be contemporaneously filed with the county. Operating records required by Rule 391-3-4-.07(3)(u) shall be filed with the county, and additions and updates thereto shall be filed within two business days.

(Ord. No. 32, § 303, 6-7-1994)

Sec. 58-84. Truck routes, traffic and hauling regulations.

(a) *Truck routes.* Truck traffic serving any facility shall be limited to routes authorized, reviewed and approved by the county.

- (b) *Entrances and exits.* Entrances to and exits from a facility shall be approved by the county. The county may require modifications or alterations to a facility's entrances and exits from time to time for purposes of protection of public health, safety and welfare.
- (c) *Transportation of solid waste.* It shall be unlawful for any person to haul, convey or cause to be conveyed any solid waste upon or along public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking or being blown from transporting vehicles. The owner and operator of any vehicle violating this section shall be personally responsible for the violation.
- (d) *Hauling license.* It shall be unlawful for any person not licensed by the county to collect or haul any solid waste other than that arising from such person's own accumulation of solid waste.
- (Ord. No. 32, § 304, 6-7-1994)

Sec. 58-85. Truck regulation.

- (a) *Truck weights.* It shall be unlawful to operate any truck on an approved truck route which truck is capable of transporting a maximum load or weight which is in excess of that which the county has duly established as the maximum load or weight which can be safely transported over each bridge on that portion of any designated route which is part of the county road system.
- (b) *Truck identification.* Each truck used to collect or haul any solid waste shall bear an identification decal issued and placed on the truck by the county. It shall be unlawful to operate a truck to collect or haul solid waste in the county without first having obtained an identification decal.
- (Ord. No. 32, § 305, 6-7-1994)
Secs. 58-86--58-110. Reserved.

DIVISION 4. FEES; FINANCIAL RESPONSIBILITY*

***Cross references:** Finance, ch. 2, art. V.

Sec. 58-111. Fees; surcharges.

- (a) *Host fee.* Each facility shall pay to the county a fee set by the board of commissioners.
- (b) *Additional host fee.* At such time as the surcharge provided by O.C.G.A. § 12-8-39(e) is discontinued, each facility shall pay to the county a fee set by the board of commissioners as an additional host fee. However, if the collection of the surcharge is resumed as provided by O.C.G.A. § 12-8-39(f), the collection of the additional host fee shall be discontinued by the county.
- (c) *Impact surcharge.* In addition to the host fee provided for in this article, each facility shall pay to the county a surcharge set by the board of commissioners which shall be used to offset the impact of the facility, public education efforts for solid waste management, the costs of solid waste management, and the administration of the plan;

provided, however, such surcharges may be used for other governmental expenses to the extent not required to meet the solid waste management needs of the county.
(Ord. No. 32, § 401, 6-7-1994)

Sec. 58-112. Indemnification.

(a) *Facility.* Application and issuance of a business license for the operation of a facility in the county shall constitute a covenant that any person owning or operating a facility within the county shall indemnify and hold harmless the county and any resident of the county from any loss or damage resulting from the installation, operation or maintenance of the facility.

(b) *Trucks.* Application and issuance of a business license for the operation of one or more trucks within the county shall constitute a covenant that any person owning or operating trucks collecting or hauling solid waste in the county shall indemnify and hold harmless the county and any resident of the county from any loss or damage resulting from the operation or maintenance of the trucks.

(c) *Insurance.* As security for performance of the covenant of indemnification provided for in this section, any person subject to the provisions of subsection (a) of this section shall provide insurance or bond coverage in an amount not less than \$10,000,000.00 and any person subject to the provisions of subsection (b) of this section shall provide insurance or bond coverage in an amount not less than \$500,000.00.

(Ord. No. 32, § 402, 6-7-1994)

Secs. 58-113--58-140. Reserved.

Proposed New Division

DIVISION 5. RESIDENTIAL SOLID WASTE

Sec. 58-150. Application.

This Article applies to the preparation, storage, collection, transportation, and disposal of all residential solid waste in the unincorporated area of Lincoln County, Georgia. It prescribes rules and regulations therefore, regulates the private collection of solid waste, prohibits private solid waste collection, and prohibits the dumping of solid waste within the unincorporated area of the County.

Section 58-151. Use of Receipts.

All fees imposed herein within the unincorporated area of the County shall be used and appropriated to pay the cost of collection, storage, and/or disposal service for all solid waste within the County, and the necessary related expenses associated therewith by the County, its franchisee, licensee, permittee, or Contractor, including, but not limited to, the purchase of solid waste collection, storage, and / or disposal vehicles, trailers and other equipment; the construction and operation of solid waste collection, storage, and / or disposal collection and / or transfer stations; transportation costs to the disposal site and / or transfer site, tipping fees and disposal charges; and such other costs and expenses as may be deemed needed from time to time by the Board of Commissioners in order to collect, store and / or dispose of solid waste generated within the district.

Section 58-152. Preparation and storage generally.

- a) It shall be the duty of both the occupant and owner of every residential residence located in the unincorporated area of the County to keep all solid waste generated by each such residential unit pending collection and disposal by the County, its franchisee, licensee, permittee, or Contractor as follows:
 - 1) Solid waste shall be free from excessive liquid and placed in plastic bags or solid waste container. One 95 gallon container shall be provided to each residence by the County or its franchisee or Contractor for use by that residence for solid waste storage and disposal purposes.
 - 2) Solid waste shall be bagged and stored in wheeled containers furnished by the County, franchisee, or Contractor which shall be covered at all times. Such containers must be kept clean. Cardboard boxes, etc. which because of size cannot be placed in the wheeled containers furnished by the County, franchisee, or Contractor shall be placed along side of the container. Containers must be placed at the curbside by 6:00 a.m. on regular collection days or the next collection day, if the regular collection day falls on a holiday, or such other schedule as may be set forth by the Contractor.

Section 58-153. Collection of refuse generally.

- a) The County shall have the exclusive right to collect and dispose of all residential solid waste within the unincorporated area of the County either through employees of the County or franchisee or Contractor with or license or permit issued to a person engaged in the business of residential solid waste collection and disposal. No person shall collect, remove, transport, or dispose of any residential solid waste within the unincorporated area of the County except as provided for herein and except with the express permission of the County.
- b) The County or its franchisee, or other designated Contractor will collect solid waste within the unincorporated area of the County under the following conditions:
 - (1) Residential Solid Waste, Garbage and Rubbish will be collected once each week from Residential Premises.
 - (2) The County or its franchisee or other designated Contractor may decline to collect:
 - A) Garbage and rubbish contained in unauthorized containers;

- B) Any containers that contain excessive liquid;
 - C) Any garbage or rubbish not properly contained;
- (3) The County shall not be responsible for curbside collection of:
- A) Bulk items;
 - B) C & D Materials;
 - C) Hazardous Waste;
 - D) White Goods; and
 - E) Yard Trash.

Section 58-154. Fees generally.

- a) The fees for collection of residential solid waste, garbage and rubbish levied pursuant to the terms of this division and all late charges accruing thereon are hereby levied severally against the owner and occupant of each residential unit, including all residential units located in manufactured home parks and boat clubs.
- b) The fees and late charges, prescribed in this section shall constitute a continuing lien against the real property upon which each residential unit is located; on the personal property composing a residential unit, and upon the personal property of the occupant of each residential unit, until paid.
- c) The fees and late charges, prescribed in this section shall be billed in the following manner: Each residence shall be billed annually for the total yearly costs for solid waste collection. Failure to pay the aforesaid sanitation services shall result in the collection of the aforesaid fees by any and all legal remedies available to the County.
- d) The monthly fees for solid waste collection hereby levied shall be due and payable as instructed on the bills, and if the same are not paid by the due date, there is hereby levied a late charge equal to ten percent of the amount due or \$1.00, whichever is greater.
- e) In addition to the costs for solid waste collection from each residence, the County shall be permitted, by resolution, to establish a Solid Waste Management Fee in addition to the costs of collection, per customer, per month, which shall be included on the property tax bill to cover administration costs associated with the County's responsibilities in

providing solid waste collection and associated solid waste collection issues under the County's Solid Waste Management Plan. The amount of such fee shall be that as set from time to time by the Board of Commissioners.

Section 58-155. Fee Exemptions.

- a) The Board of Commissioners shall be entitled to establish by resolution any and all exemptions from residential curbside collection, including the application and verification process for qualifying for said exemptions.
- b) The office of Planning and Zoning shall be responsible for the administration, investigation and approval of all applications for exemptions.
- c) Appeals of any decision on exemption made by the office of Planning and Zoning shall be made to the Board of Commissioners by filing a written notice of appeal with the office of Planning and Zoning on or before the expiration of 15 days following notice of the adverse decision.
- d) Upon timely receipt of a Notice of Appeal, the Director of Planning and Zoning shall transmit a copy of all documentation to the Clerk of the Board of Commissioners for placement on the Board of Commissioners' next regular meeting agenda.

Section 58-156. New Residences.

The owner and occupant of any new residence, whether site built, manufactured, or industrialized shall be liable for the payment of the monthly solid waste collection fee beginning upon the date of the issuance of a Certificate of Occupancy. The annual fee shall be pro-rated, and the owner/occupant shall pay the yearly fee prior to the release of final power and issue of the Certificate of Occupancy.

Section 58-157. Payment.

The Board of Commissioners, or its franchisee, or Contractor, shall prepare and mail to each residence in the unincorporated area of the County a bill showing the amounts of the annual fee for solid waste collection services. The annual fee shall be included on the owners annual property tax bill or ad valorem Tax Pre-Bill in the case of manufactured housing. These statements shall be prepared in advance of the service provided and shall be paid in advance by the owner or occupant of each residence. A late penalty shall be imposed upon each account for which payment is not made within the time limits prescribed thereon.

Section 58-158. Non-liability.

- a) Whenever the owner or occupant of a residence from which solid waste is collected by the County, franchisee, or Contractor authorizes or permits the use of private driveways or other portions of private property for such collection, such authorization or permission, whether express or implied,

shall be deemed to constitute a waiver on the part of the owner or occupant of the residence of any claim for damages against the County, its officers, agents, employees, franchisees, and Contractors which result from the use of such private property in the collection process.

- b) The County and any person or entity acting as its franchisee or Contractor pursuant to franchise or contract shall be deemed to have been invited and authorized to enter upon private property for the purpose of collection of solid waste in those case where other than curbside collection has been requested by the owner or occupant of the residence or Commercial Premises and approved by the County and / or its franchisee or Contractor.

Section 58-159. Use of facilities required.

The owner and occupant of each residential unit, including residential units located in manufactured home parks and boat clubs, shall dispose of solid waste only by means of a collection and disposal service provided by the County, franchisee, permittee, or Contractor.

Section 58-160. Termination of Service.

Whenever a residential unit becomes vacant, destroyed by fire or other casualty, or is demolished or for some other similar reason no longer generates solid waste, it is incumbent severally upon the owner and former occupant of such residential unit to notify the County in writing of same. The County may cause such investigation of the report as it deems appropriate and if the County finds the same to be consistent with the report, the County may discontinue charging any fees for solid waste collection to the residence. In the event the County determines that the facts are inconsistent with the report, the residential unit shall continue to be charged the appropriate fees for solid waste collection.

Similarly, if service has been discontinued pursuant to a notice as provided in this section, but is thereafter resumed, or if land which was previously vacant has been improved with a residential unit and begins to receive service, it shall be incumbent on the owner and occupant, severally, to notify the County of such commencement of or resumption of service. The fee prescribed in this article shall be payable for such property from and after the date of commencement or resumption of service, whether or not notice has been received.

Section 58-161. Resumption of Service.

The County may charge a fee for resumption of service to the owner and/or occupant of a residential unit where service has been previously discontinued. The amount of such fee shall be that as set from time to time by the Board of Commissioners.

Section 58-162. Unlawful disposal of solid waste, refuse, garbage or rubbish.

- (a) It shall be unlawful for any person to dump or bury or cause to be dumped or buried any garbage, refuse, solid waste, or rubbish anywhere in the unincorporated area of the County not previously approved by the County and/or the appropriate State authorities.

- (b) Improper disposal prohibited. The disposal of solid waste in any manner that will impair the air quality, impair the quality of ground or surface water, impair the quality of the environment or likely create other hazards to the public health, safety, or well being is prohibited.

Section 58-163. Violations of Article generally.

- a) It shall be unlawful for any person to willfully and intentionally violate any of the provisions of this Article.
- b) It shall be unlawful for any person willfully and with intent to defraud the County, to evade or defeat or attempt to evade or defraud any fee, penalty, or interest due the County or the payment thereof, imposed by this Article.

Section 58-164. Unlawful Burning.

- a) It shall be unlawful for any person to burn or attempt to burn or cause to be burned any material of any nature in any container belonging to or used by the County or its franchisee and/or designated Contractor for residential solid waste purposes.
- b) The burning of Construction and Demolition debris is prohibited, even if the property owner grants express permission.
 - 1) Exception: On cold days clean and untreated lumber may be used to create hand warming fires. Such fires shall be contained in an approved container, such as a metal barrel, fitted with an approved spark arrestor.
- c) The burning of Solid Waste is prohibited in any manner, even if the burning is done safely.

Section 58-165. Penalty for violations.

Each violation of any of the provisions of this Article shall be punishable as provided in Section 1-9 of the Lincoln County Code. Violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations as provided in O.C.G.A. section 15-10-6, et seq. Citations shall be issued by the Sheriff's Department, Code Enforcement Officer or their designee. Service upon corporations, partnerships, or other entities and organizations shall be effected by serving any managing agent located in the County, or by serving the registered agent, or any officer or partner of the corporation, partnership, organization or entity. The provisions of this Article may also be enforced through the use of other remedies, such as injunctive relief, provided by the laws of this State.

Section 58-166. Violations by entities.

Whenever a corporation, partnership, organization or other entity shall violate any of the provisions of this Article such violations shall be deemed to be also that of the individual directors, officers, or agents of such corporation, partnership, organization or other artificial entity who shall have authorized, ordered or done any of the acts constituting in whole or in part such violation. In such cases, service shall also be made upon the individual director, officer, or other agent accused of authorizing, ordering, or doing acts constituting in whole or in part violations of this article.

Section 58-167. Placement.

The owner, occupant, tenant or lessee of each residential unit shall, no later than 6:00 a.m. on the normal pick up days designated by the County, franchisee, or Contractor shall place the containers at the location established by the County, franchisee, or Contractor for pick up. Containers shall be removed from the pick up location to the premises of the owner, occupant, tenant or lessee of each such residential unit or to an unobtrusive and non-conspicuous location off of the right of way, no later than 24 hours after the day of pick up, subject only to the exceptions enumerated in Section 58-169.

Section 58-168. Placement Exceptions.

The following are excepted from Section 58-168.

- (a) Any person with documented disabilities, because of age or physical condition, living in a residential unit where there is no resident or occupant thereof physically capable of placing the container at the designated pick up location, shall notify the County and if the County shall find that there is no one in or upon the residential unit on a regular basis physically capable of placing the container at the designated pick up location, then the County may arrange for the solid waste to be picked up at the place on the premises of the residential unit where the container is maintained by the occupant.
- (b) The County may establish exceptions for designated residential unit which are determined to be unsuitable for curbside pickup, taking into consideration the terrain, features or other physical impediments, and at such premises, pick up service shall be provided to residential units as determined by the County; or in alternative, the occupant may be instructed to place only plastic, securely tied bags at a designated location on scheduled pick up days.

Section 58-169. Removal from premises.

The wheeled container furnished by the County, franchisee or Contractor shall not be removed from the premises of the residential unit to which they are delivered and it shall be the duty of the occupant of the residential unit, if the dwelling is to be vacated by the occupant, to notify the County seven days prior to the vacancy.

Section 58-170. Replacement.

If a container previously furnished by the County, its franchisee, or Contractor to any residential unit is damaged, destroyed, or stolen, it shall be the duty of the owner or

occupant of the residential unit to immediately notify the County and to cooperate with the Board of Commissioners and the County Sheriff in investigating the cause of the damage, destruction or theft. Further, the owner or occupant shall, if requested to do so, appear in the appropriate Court as a witness should a prosecution result from the investigation. A replacement container shall be furnished to the residential unit and such unit may be charged a replacement fee as determined by the County, its franchisee, or Contractor.

Section 58-171. Additional containers.

Additional containers may be obtained by each residential unit upon payment of an additional monthly fee to the County, its franchisee, or Contractor.

Section 58-172. Damaging containers.

It shall be unlawful for any person to willfully and intentionally damage or destroy or to allow or permit damage to or destruction of any container provided by the County, its franchisee, or Contractor.

Section 58-173. Establishment of Policies and Procedures.

The Board of Commissioners shall be entitled to establish appropriate policies and procedures by resolution to facilitate and carry out the intention and administration of this Ordinance.

Section 58-174 through 58-199. RESERVED.

DIVISION SIX: SCRAP TIRES

Section 58-200. Finding.

(a) The Board finds that the improper disposal or storage of used or scrap tires or the covered storage of used or scrap tires from which water has not been drained, each provide breeding grounds for mosquitoes and other insects and provide watering sources for rodents and similar animals resulting in a nuisance to neighboring individuals and [a] detriment to neighboring properties and constitute a health hazard. This body further finds that it is necessary that the storage and disposal of such tires be regulated and that storage and disposal be prohibited unless in accordance with the terms of this article.

(b) The provisions of this article herein shall apply in the unincorporated areas of the county.

Section 58-201. Scrap tire management.

All persons, defined in 391-3-4-.19 of the Georgia Rules for Solid Waste Management, as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules defined in Chapter 391-3-4 et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of the "Georgia Comprehensive Solid Waste Management Act," O.C.G.A. § 12-8-20, et seq. and the Georgia Rules for Solid

Waste Management, Chapter 391-3-4, et seq., applicable to solid waste, except where requirements of this section are more stringent.

Section 58-202. Outside or uncovered storage of used or scrap tires prohibited.

It shall be unlawful for any person, firm, corporation, organization or association of any kind in charge or control of any property within the area of the county, whether as owner, tenant, occupant, lessee, agent, or otherwise, to store or permit the storage of used or scrap tires in the open or in an uncovered condition.

Section 58-203. Covered storage of used or scrap tires prohibited; exception.

It shall be unlawful for any person, firm, corporation, organization or association of any kind in charge or control of any property within the area of the county, whether as owner, tenant, occupant, lessee or agent or otherwise, to store or permit the storage of used or scrap tires in a covered area unless the same is protected from the elements and prior to storage, all water has been drained from the tire.

Section 58-204. Prohibited Disposal or Storage.

(a) It shall be unlawful for any person or business to begin to store or continue the storage of used, waste, or scrap tires or to permit the storage of used, waste, or scrap tires unless the owner or occupant is the holder of a currently valid permit to handle scrap tires issued in accordance with the provisions of O.C.G.A. 12-8-20, et seq. and the Georgia Rules for Solid Waste Management, Chapter 391-3-4, et seq. applicable to solid waste.

(b) It shall be unlawful for any person or business to burn any scrap tire at any place in Lincoln County including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, any public or private property in the County or any waters in Lincoln County.

(c) It shall be unlawful for any person or business to dispose of any used or scrap tire on any property or in any container, until and unless such property or container is designated by the Board of Commissioners or it's duly designated agent for the disposal such scrap tires.