

**ARTICLE I. IN GENERAL****Sec. 44-1. Joint agreement for solid waste management plan.**

The board of commissioners of the county; the mayor and city council of Cairo, Georgia; the mayor and city council of Whigham, Georgia, shall enter into a cooperative joint agreement for the development of a unified solid waste management plan. This agreement hereby provides for such local governments to jointly submit for review and certification their local solid waste management plan to the Southwest Georgia Regional Development Center as required by the Georgia Comprehensive Solid Waste Management Act as set forth in O.C.G.A. § 12-8-20 et seq. An official copy of such agreement is on file in the office of the clerk of the board of commissioners.

(Res. of 7-16-91)

**Secs. 44-2—44-25. Reserved.**

**ARTICLE II. LITTER CONTROL****Sec. 44-26. Handbills, circulars, advertisements.**

It shall be unlawful to place, throw down, deposit and leave any circular, dodger, advertising matter, or other written or printed commercial, business or mercantile information, either on paper or other material used for advertising or information purposes on any of the public areas, roads, rights-of-way, garbage bin receptacle site, except within the refuse containers or garbage bins provided for garbage collection, or on any private property located within the county except with the permission of the owner or legal occupant thereof; provided, however, as to private property this section shall not apply to the normal and usual delivery of daily newspapers by the carrier thereof.

(Ord. of 8-19-86, § 1; Ord. of 10-6-92, § 1)

**Sec. 44-27. Use of bins, receptacles provided by county.**

(a) Garbage bins and refuse receptacles provided by the county are for use for household waste or garbage only as well as paper, metal or glass containers five gallons or less. No trash or refuse shall be deposited on the areas adjacent to garbage bins or refuse containers, nor shall any person, except to remove or redeem items of which they are the owner and erroneously placed in such garbage bin or refuse receptacle, examine, remove or in any manner inventory, sort or reclaim the trash or refuse within the garbage bins or trash receptacles. No person, organization or entity shall deposit in the garbage bins or refuse containers provided by the county the following items: industrial and agricultural waste, hazardous waste including containers over five gallons, tires, metal, masonry, lumber, roofing, fencing including posts and wire, household furniture and appliances, shrubbery clippings, limbs, trees and tree sections, dead animals.

(b) Garbage bins and refuse receptacles provided by the county are for the use of residents of the county only. No person, business or entity of any type residing or having an office outside the county are authorized to use garbage bins and refuse receptacles except upon the approval of the county board of commissioners.

(c) Garbage bins and refuse receptacles provided by the county shall not be used by any person, business or entity that shall be engaged in the business of collecting, sorting, hauling, or providing any service relating to the disposal of solid waste.

(d) Any person, business or entity that violates this article shall be punished, upon conviction as provided in section 1-12.

(Ord. of 8-19-86, § 2; Ord. of 10-6-92, §§ 2—4; Ord. of 12-1-98, § 1)

## Chapter 44

### SOLID WASTE\*

#### Article I. In General

Sec. 44-1. Joint agreement for solid waste management plan.  
Secs. 44-2—44-25. Reserved.

#### Article II. Litter Control

Sec. 44-26. Handbills, circulars, advertisements.  
Sec. 44-27. Use of bins, receptacles provided by county.

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**\*Cross references**—Buildings and building regulations, ch. 14; flow rate restrictions on plumbing fixtures, § 14-56 et seq.; businesses, ch. 18; environment, ch. 26; planning, ch. 40; land development regulations, appendix A.

**State law references**—Authorization to provide garbage and solid waste collection and disposal, Ga. Const. art. 9, sec. 2, par. 3; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local and regional solid waste plans, O.C.G.A. § 12-8-31.1; hazardous waste disposal, O.C.G.A. § 12-8-61 et seq.; Litter Control Law, O.C.G.A. § 16-7-40; transporting garbage or waste across state or county boundaries pursuant to contract, O.C.G.A. § 36-1-16; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.; littering highways, O.C.G.A. § 40-6-249.



**GRADY COUNTY ORDINANCE  
PROVIDING FOR  
SOLID WASTE AND SCRAP TIRE  
MANAGEMENT**

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GRADY COUNTY, GEORGIA, TO REWRITE THE SOLID WASTE ORDINANCE; TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE, TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

**IT IS DECLARED** to be the policy of Grady County Georgia, in furtherance of its responsibility to protect the public health, safety, and well being of its citizens and to protect and enhance the quality of its environment, to revise and update existing laws, and to institute and maintain a comprehensive county-wide program for all solid waste management which will assure that the storage, transportation, collection, and disposal of solid waste does not adversely affect the health, safety, and well being of the public and does not degrade the quality of the environment by their reason of location, design, method of operation or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste referred to in this ordinance as recovered material.

**IT IS FURTHER DECLARED** to be the policy of Grady County Georgia to educate and encourage generators and handlers of all solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods to promote markets for and engage in the purpose of goods made from recovered materials and goods which are recyclable.

**BE IT ORDAINED** by the Grady County Board of Commissioners and it is hereby ordained by the authority of same that Section 44 entitled "Solid Waste" be amended by striking the entire existing language within that section and adding the following:

**SECTION I - DEFINITIONS**

- A. The term "*household garbage*" is as defined in O.C.G.A. 16-7-47(a) and 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 term "*commercial solid waste*" means all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.<sup>1</sup>

- C. The term “*dump*” means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.<sup>1</sup>
- D. The term “*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.<sup>2</sup>
- E. The term “*industrial waste*” means solid waste generated by manufacturing or industrial processes or operations. Such waste includes, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.<sup>2</sup>
- F. The term “*inert waste*” means wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed.
- G. The term “*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 in this ordinance.<sup>3</sup>
- H. The term “*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.<sup>2</sup>
- I. The term “*open dump*” means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.<sup>4</sup>

<sup>1</sup> – As defined in O.C.G.A. 16-7-51

<sup>2</sup> – As defined in O.C.G.A. 12-8-22

<sup>3</sup> – As defined in O.C.G.A. 16-7-42

<sup>4</sup> – As defined in Section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management

- J. The term "*person*" means the State of Georgia or any other state or 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 activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.<sup>1</sup>
- K. The term "*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.<sup>2</sup>
- L. The term "*recovered materials*" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.<sup>3</sup>
- M. The term "*recovered material processing facility*" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.<sup>3</sup>
- N. The term "*retail tire dealer*" means a person actively engaged in the business of selling new replacement tires.<sup>4</sup>
- O. The term "*scrap tire*" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.<sup>4</sup>
- P. The term "*scrap tire carrier*" means any person engaged in picking up or transporting scrap tires not otherwise exempted in the Georgia Rules for Solid Waste Management for the purpose of removal to a scrap tire processor, end user, or disposal facility.<sup>1</sup>

<sup>1</sup> – As defined in Section 391-3-4-.01 of the Georgia Rules for Solid Waste Management

<sup>2</sup> – As defined in O.C.G.A. 16-7-42

<sup>3</sup> – As defined in O.C.G.A. 12-8-22

<sup>4</sup> – As defined in Section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management

- Q. The term "*scrap tire generator*" means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county, and state governments.<sup>1</sup>
- R. The term "*scrap tire processor*" means any person who is approved by the Environmental Protection Division to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.<sup>1</sup>
- S. The term "*scrap tire sorter*" means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.<sup>1</sup>
- T. The term "*solid waste*" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources<sup>3</sup>; or source, special nuclear, or by-product material<sup>4</sup>.<sup>2</sup>
- U. The term "*solid waste handling*" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.<sup>2</sup>

<sup>1</sup> – As defined in Section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management

<sup>2</sup> – As defined in Section 391-3-4-.01 of the Georgia Rules for Solid Waste Management

<sup>3</sup> – Subject to permit under 33 U.S.C. Section 1342

<sup>4</sup> – As defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923)



- V. The term "*waste*" means all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft.<sup>3</sup>) in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste<sup>3</sup>, a hazardous substance, or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal by-products classified by the Georgia Department of Natural Resources, "*waste*" includes without limitation, sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, 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 from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.<sup>1</sup>
- W. The term "*yard trimmings*" means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.<sup>2</sup>

<sup>1</sup> - As defined in O.C.G.A. 16-7-51

<sup>2</sup> - As defined in O.C.G.A. 12-8-22

## SECTION II - WASTE DISPOSAL - GENERAL

- A. It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer in the official performance of the duties as provided in this ordinance.
- B. The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all litter, waste, scrap tires, and municipal, commercial or industrial solid waste on the premises used or occupied by such person.

- C. It shall be unlawful to dump, open dump, or permit the dumping of litter, waste, scrap tires, municipal, commercial, or industrial solid waste or recyclables at any place in Grady 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 Grady County unless such litter or waste is authorized by the Grady County Board of Commissioners AND:
1. The property is designated by the Board of Commissioners or its duly designated agent for the disposal of litter, waste, municipal, commercial or industrial solid waste, scrap tires or recovered materials and the person is authorized to use such property;
  2. The litter, waste, municipal, commercial or industrial solid waste, recyclables or scrap tires is placed into a receptacle or container installed specifically for such property; AND
  3. The property has a valid solid waste handling permit issued by the Georgia Environmental Protection Division (EPD) when required.
- D. All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as 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 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.

### SECTION III – HANDBILLS, CIRCULARS, ADVERTISEMENTS

- A. It shall be unlawful to place, throw down, deposit and leave any circular, dodger, advertising matter, or other written or printed commercial, business or mercantile information, either on paper or other material used for advertising or information purposes on any of the public areas, roads, rights-of-way, garbage bin receptacle sites, except within the refuse containers or garbage bins provided for garbage collection, or on any private property located within the county except with the permission of the owner or legal occupant thereof; provided, however, as to private property this section shall not apply to the normal and usual delivery of daily newspapers by the carrier thereof.

#### **SECTION IV - TRANSPORTING SOLID WASTE AND LITTER**

- A. It shall be unlawful to drive or operate a vehicle in Grady County hauling hazardous commercial or industrial solid waste that leaks, flows freely or spills from said vehicle.
- B. No person shall drive or move any truck or other vehicle within the county that is not so constructed, loaded, covered, or securely fastened so as to prevent any load, contents, litter, or other such waste or materials from being blown, scattered, leaked, spilt, or in any manner deposited in or upon any highway, road, street, or thoroughfare, including any portion of the right of way thereof, sidewalk, other motor vehicles, pedestrians, or other public place, or upon private property within the county. However, this section shall not prohibit the necessary and permitted spreading of any substance in public road maintenance or public road construction operations.
- C. It shall be unlawful for a business or private person(s) engaged in waste hauling or transportation for hire from businesses or private residences to a county landfill or lawfully permitted dump site to dispose of materials as solid waste that have been intentionally sorted as recyclables by the business or private residence rather than placing the materials in the location designated by the County or appropriate authority for said recyclables.

#### **SECTION V - REGULATION OF ALL SOLID WASTE OR LITTER CONTAINERS AND RECEPTACLES**

- A. All solid waste or litter containers or receptacles and their surrounding area shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for solid waste and litter disposal.
- B. Persons using solid waste and litter containers or receptacles shall deposit only authorized household garbage, authorized solid waste and authorized refuse in the appropriate container or receptacle.
- C. No person shall deposit a scrap tire in any container or receptacle unless authorized by the owner of the receptacle or the Grady County Board of Commissioners or their designee.
- D. No person shall deposit any burning or smoldering material in such container or receptacle, or set fire to the contents of any such container or receptacle.

- E. No person shall deposit large non-compatible articles in containers or receptacles such as but not limited to, stoves, refrigerators, bedsprings, automobile parts, boat parts, large tree limbs or air conditioning units, except containers or receptacles designated for that purpose only.
- F. No person shall deposit any flammable or explosive materials in any such container or receptacle.
- G. No dead animals shall be deposited in any such container or receptacle, except containers or receptacles designed for such purpose and so designated by the Grady County Board of Commissioners.
- H. No person shall willfully damage or alter the location of any such container or receptacle without the written consent of the Grady County Board of Commissioners.
- I. No salvage or scavenging operations shall be conducted in or around such containers or receptacles except by written consent of the Grady County Board of Commissioners.
- J. No person shall indiscriminately scatter or disperse the contents of any containers or receptacles.
- K. No person shall deposit solid waste, litter or liquid of any kind at any county solid waste collection and recycling center into county owned receptacles or containers designated for the collection of recovered materials. Only authorized materials such as glass, aluminum, newspaper, cardboard, plastic, and tin or other accepted material may be deposited in the appropriate container designated for said material.

## SECTION VI - ACCUMULATION

- A. No owner or occupant of any such property shall bury or burn litter or waste without prior authorization and written consent from the applicable regulatory agency, including but not limited to, the United States Environmental Protection Agency, Georgia Environmental Protection Division and/or the Georgia Forestry Commission. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state and/or federal law.
- B. No owner or occupant of any property shall cause, suffer or **allow the accumulation**, on his or her premises, of garbage, litter 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. The conduct described in Paragraphs (A) and (B) of this Section VII shall constitute a separate violation of the ordinance for each day the garbage, litter or waste material remains or continues to unlawfully pollute, contaminate or burn on such premises.

## SECTION VII – VIOLATIONS AND PENALTIES

- A. Any person(s), firm, or corporation violating any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, in the Magistrate Court of Grady County, shall be punished as follows:

### 1. Grady County Base Fines for Dumpster/Littering Violations:

Retrieving Items	75.00* and/or 60 days jail
Allowing Child to Retrieve Items	150.00 and/or 60 days jail
Dumping unauthorized Material (Building material, stoves, furniture, etc)	500.00 and/or 60 days jail
Use of Dumpster by out of county person	250.00 and/or 60 days jail
Dumping garbage on ground	250.00 and/or 60 days jail
Setting Fire to Dumpster	600.00 and/or 60 days plus restitution
Littering Roadway/waterway	300.00 and/or 60 days jail

In addition to fines, 25% mandatory surcharges are added.

A person may retrieve their own items; however they should contact the Sheriff's Department or the Environmental Control Office for assistance in order to prevent injury.

2. In the sound discretion of the Judge of the Court with jurisdiction on any offense, the person may also be directed to pick up and remove from any public street or highway and/or other 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<sup>2</sup>; and/or

3. In the sound discretion of the Judge of the Court with jurisdiction, 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<sup>3</sup>; and/or

- B. The Court may order the person to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation<sup>4</sup>; and/or
- C. In case of an open dump or improper solid waste, litter 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 ordinance. Grady County shall not be responsible for any costs of cleanup or remediation; and/or

<sup>1</sup> – As provided in O.C.G.A. section 16-7-43 (b.1)

<sup>2</sup> – As provided in O.C.G.A. section 16-7-43 (b.2)

<sup>3</sup> – As provided in O.C.G.A. section 16-7-43 (b.3)

<sup>4</sup> – As provided in O.C.G.A. section 16-7-53 (d)

- D. The expenses incurred by the County for cleanup, enforcement of violations and penalties shall be chargeable to the violator, including, but not limited to: court costs, filing fees, special investigations, mutual aid assistance from other agencies and other costs necessary for the reasonable enforcement of this ordinance.
- E. In addition to actions filed by Grady County for violations of this ordinance, any State or Federal agency may independently file separate or concurrent charges within their respective applicable authority and seek conviction within a Court of competent jurisdiction.

## SECTION VIII – ENFORCEMENT

- A. Enforcement of this ordinance shall be the responsibility of the Grady County Board of Commissioners, the Environmental Education and Enforcement Officer or his/her designee, and/or the Grady County Sheriff's Office.
- B. Any person(s) authorized to enforce this ordinance shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to properly inspect for violations of this ordinance, subject to the condition that to allow entry onto private property for inspection, the alleged violation of this ordinance must be visible from a public road or right of way, or upon said person(s) having received a valid complaint alleging a violation of this ordinance, or by a Judge's Order upon said person(s) having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.

- C. Appeals for the violation of this ordinance may be made to the Magistrate Court of Grady County, or higher Court if the person so chooses. The person always has the right to consult his/her attorney at any time before the hearing is scheduled for Court.

## **SECTION IX – CIVIL REMEDIES AND ABATEMENT OF NUISANCE**

- A. In the event that any person violates any provision of this ordinance, the County or other appropriate authority may, in addition to other remedies, institute an action for injunction, cleanup or stop work orders, mandamus, irreversible damage fines, lien on property or other appropriate action or proceeding to prevent such unlawful acts or to correct or abate any such violation<sup>1</sup>. In addition, the County may immediately revoke or suspend any and all business, building, development or any and all other County issued permits related to the property or properties involved with the violation until such time that compliance is met, or until the ruling of a Court of competent jurisdiction is obtained, at which time respective permits may be reissued.
- B. Upon finding evidence, a written Notice of Violation may be issued at the discretion of the enforcing officer(s) in lieu of a citation. In the absence of corrective action or in the event that a second violation occurs, the evidence constituting the Notice of Violation may be submitted as evidence for consideration as a first offense before a Court with competent jurisdiction and the pending case treated as a second offense by the Court as defined in Paragraph (A)(2) of Section VII of this Ordinance.
- C. If a person is found guilty of a violation of the provisions of this ordinance, the Court and/or the Board of Commissioners may cause written notice to be given, or incorporate into the Court Order to the violator instructing that person to properly address any provision still remaining in violation of this ordinance for which said violator is convicted. Such notice shall be by personal service and in the event the violator cannot be so served, then by registered mail sent to the violator's last known address.
- D. Upon failure, neglect or refusal of any person so notified to properly address said provisions within 20 days after receipt of notice as provided in this Section, the Board of Commissioners is hereby authorized and empowered to cause the cleanup, removal or disposal of, including but not limited to, any litter, or any type of waste(s) as defined in this ordinance, dumped, deposited, thrown, or left on public or private property in violation of the ordinance on behalf of the County. The expenses incurred by the County shall be chargeable to the violator. The Board of Commissioners and/or the Court shall send a statement of the amount due for said expenses by registered mail.

<sup>1</sup> – As provided in O.C.G.A. sections 16-7-52, 16-7-53

- E. When the full amount of such charges are not paid by the violator within 30 days after receipt of said statement as provided for in this Section, the Board of Commissioners shall cause to be recorded in the Execution Docket a sworn statement showing the cost and expense incurred by the County, the dates of County action, the location of the property for which action was taken, and the name of the person to be charged for the expenses incurred. The recordation of such statement shall constitute a lien on the personal and real property of the person to be charged and shall remain in full force and effect until final payment is received in full, including accrued interest from the date of recording and any and all costs. Such amount as shall constitute final payment shall be subject to collection in the manner fixed by law for the collection of taxes.
- F. This Section shall apply with full force and effect regardless of the provisions of any order of the Court in which the violator was convicted. This section should not be construed as an excuse for failure on the part of the violator to perform any cleanup ordered by the Court, nor shall it be considered as a mitigating factor in any contempt action against a violator who has failed to obey the order of the Court.

#### **SECTION X – EVIDENCE OF VIOLATIONS**

- A. Whenever litter, or any type of waste(s) as defined in this ordinance, is thrown, deposited, dropped, or dumped by any person(s) or from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that said person(s) or the operator of the conveyance has violated this ordinance.
- B. Whenever any litter, or any type of waste(s) as defined in this ordinance, which is dumped, deposited, thrown, or left on public or private property in violation of the ordinance is discovered to contain any article or articles, including, but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.



## **SECTION XI – YARD TRIMMINGS**

- A. 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.

## **SECTION XII – RECYCLING**

- A. The Grady County Board of Commissioners hereby finds that it is in the best interest of citizens of Grady County, in order to promote the health, safety, and welfare 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 materials which must be properly disposed of; therefore, it is the policy of the Grady County Board of Commissioners to encourage recycling whenever practicable.

## **SECTION XIII - SEVERABILITY**

- A. Should any sentence, section, subsection or provision of this Ordinance or application of a provision of this Ordinance be declared invalid or unconstitutional by any Court or other competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

## **SECTION XIV**

**BE IT FURTHER ORDAINED** that all ordinances and parts of ordinances in conflict with this ordinance shall be and the same or hereby repealed.

SECTION XV

BE IT FURTHER ORDAINED that this ordinance will take effect upon its passage.

So adopted and approved by the Board of Commissioners of Grady County, Georgia, this 7th day of September, 2004.

GRADY COUNTY BOARD OF COMMISSIONERS

ATTEST: *David M. Mable*  
County Clerk

BY: *Elyse Chiles*  
Chairman

*Robert Burns*  
Commissioner

*Chas. R. Ruts*  
Commissioner

*Ben J. R.*  
Commissioner

*Walter E. Bell*  
Commissioner

Grady County Base Fines for Dumpster/Littering violations:

Retrieving Items	75.00* and/or 60 days jail
Allowing Child to Retrieve Items	150.00 and/or 60 days jail
Dumping unauthorized Material material, stoves, furniture, etc)	500.00 and/or 60 days jail (building
Use of Dumpster by out of county person	250.00 and/or 60 days jail
Dumping garbage on ground	250 150.00 and/or 60 days jail
Setting Fire to Dumpster	600.00 and/or 60 days jail plus restitution
Littering Roadway/waterway	300.00 and/or 60 days jail

In addition to fines, 25% mandatory surcharges are added.

\* A person may retrieve their own items; however they should contact the Sheriffs Department or the Environmental Control Office for assistance in order to prevent injury.

Grady County Base Fines for Dumpster/Littering violations:

Retrieving Items	75.00* and/or 60 days jail
Allowing Child to Retrieve Items	150.00 and/or 60 days jail
Dumping unauthorized Material material, stoves, furniture, etc)	500.00 and/or 60 days jail (building
Use of Dumpster by out of county person	250.00 and/or 60 days jail
Dumping garbage on ground	150.00 and/or 60 days jail
Setting Fire to Dumpster	600.00 and/or 60 days jail plus restitution
Littering Roadway/waterway	300.00 and/or 60 days jail

In addition to fines, 25% mandatory surcharges are added.

\* A person may retrieve their own items; however they should contact the Sheriffs Department or the Environmental Control Office for assistance in order to prevent injury.