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DIVISION 3. REQUIREMENTS AND REGULATIONS

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Sec. 50.40 Solid waste storage and collection.

- (A) For purposes of this section, *solid waste* shall mean putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food, including food containers, and nonputrescible solid wastes consisting of combustible and noncombustible materials, including waste paper, metals, cans, glass, plastics and/or other similar materials.
- (B) All solid waste shall be free from excessive liquid and placed in plastic bags or containers as may be supplied by the county or its designated collector.
- (C) Containers or bags must be placed at the curbside of the nearest public road by 7:00 a.m. on regular collection days or on the next collection day if the regular collection day falls on a holiday. Containers or bags from residential units must be moved from the curbside to a place in the side or rear of the unit within 24 hours of the collection.
- (D) The county shall have the exclusive right to collect and dispose of all solid waste (including recyclables) within the District either through employees of the county or by contract issued to a person, firm, corporation, partnership or entity engaged in the business of solid waste collection and disposal. No person, firm, corporation, partnership or entity shall collect, remove, transport or dispose of any solid waste (including recyclables) within the District except as provided for herein and except with the express permission of the county.
- (E) Solid waste will be collected once each week from residential units on a day to be established by the Clay County Board of Commissioners. Frequency of collection for commercial units will be at least once per week. More frequent collections from commercial units may be required if sanitary conditions in and around the container dictate.
- (F) The county or the designated collector may decline to collect any solid waste containing excess liquid that is not properly contained or is contained in unauthorized containers.
- (G) The county or the designated collector shall not be responsible for collection of discarded building materials, dirt, rock, appliances, furniture or yard waste.
- (H) Such wastes shall be the responsibility of the producer or owner of the unit upon which it lies. It shall be disposed of as may be required by law.

(Ord. of 5-31-1994)

Sec. 50.41 Dumpster sites.

- (A) Dumpsters provided by the county are normally placed at strategic locations for use by citizens of the county in disposing of refuse which is generated within the household. Unless

specifically designated and marked otherwise, dumpsters are authorized for household garbage only.

- (B) Sites may be developed from time to time for depositing other than types of refuse approved herein. These will be designated by appropriate signs.
- (C) It shall be unlawful for any person to dump any refuse or material other than household garbage in any dumpster or at any dumpster site unless the particular dumpster or site has been designated and marked for other materials.

State law reference— Similar provisions, O.C.G.A. § 16-7-47(b).

- (D) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of or otherwise vandalize or damage any container provided by the county for the dumping of trash or garbage.
- (E) Any refuse which is not herein authorized to be placed in dumpsters shall be removed to the county landfill for disposal as determined by the landfill operator. Contractor and business representatives may be charged a fee for use of the landfill as established from time to time by the Board of Commissioners.

(Ord. of 5-31-1994)

Cross reference— Penalty, see § 50.99.

Sec. 50.42 Dumping, depositing litter on public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in unincorporated areas of Clay County or any waters within the county unless:

- (A) The property has been designated by the county for the disposal of such litter; and
- (B) The litter is placed into a litter receptacle or container (dumpster) installed on such property; or
- (C) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

(Ord. of 5-31-1994)

Cross reference— Penalty, see § 50.99.

State law reference— Similar provisions, see O.C.G.A. § 16-7-43.

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DIVISION 4. SOLID WASTE TAX RATES

Sec. 50.50. Residential refuse taxes.

Sec. 50.51. Same; prepayment of refuse taxes.

Sec. 50.52. Commercial collection rates.

Secs. 50.53—50.98. Reserved.

Sec. 50.99 Penalty.

Sec. 50.50. Residential refuse taxes.

Refuse Collection Tax Rates for all residences supplied with carts within Clay County shall be \$192.00 annually, to be billed at the rate of \$16.00 monthly.

(Ord. No. 11-005, § (a), 12-6-2011)

Sec. 50.51. Same; prepayment of refuse taxes.

Residents have the option of paying their Refuse Taxes annually in a lump sum at the beginning of the fiscal year in October and November that they are current on their tax bill; residents so paying shall receive a discount of one-twelfth of the annual amount due.

(Ord. No. 11-005, § (a), 12-6-2011)

Sec. 50.52. Commercial collection rates.

A. Commercial Establishments Serviced with Carts: Per cart:

Once weekly	\$16.00 per month, Per cart:
2 times weekly	\$32.00 per month, Per cart
3 times weekly	\$48.00 per month, Per cart
4 times weekly	\$64.00 per month, Per cart
5 times per week	\$80.00 per month, Per cart

B. Commercial Establishments Serviced with Dumpsters:

Once weekly	\$ 60.00 per month, Per Dumpster
2 times weekly	\$120.00 per month, Per Dumpster
3 times weekly	\$180.00 per month, Per Dumpster
4 times weekly	\$240.00 per month, Per Dumpster
5 times per week	\$300.00 per month, Per Dumpster

(Ord. No. 11-005, § (a), 12-6-2011)

Secs. 50.53—50.98. Reserved.

Sec. 50.99 Penalty.

- (A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in section 10.99 of this Code.
- (B) Each violation of any provision of section 50.40 shall be punishable by a fine not to exceed \$500.00 or 60 days' imprisonment in the Clay County jail, or both. Ordinance violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations, as provided in O.C.G.A. §§ 5-10-60 et seq. Citations shall be issued by the County Administrator or his or her designee.
- (C) Any person who violates sections 50.41 and 50.42 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
- (1) By a fine not less than \$25.00 and not more than \$300.00;
 - (2) In the sound discretion of a court in which conviction is obtained, including the Magistrate Court, 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 he or she 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 the Court in which conviction is obtained, including the Magistrate Court, the person may be directed to pick up and remove from any public beach, public park, private right-of-way or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he or she has deposited litter, and all litter deposited thereon by anyone prior to the date of execution of sentence;
 - (4) The court may publish the names of persons convicted of violating sections 50.41 and 50.42
- (D) (1) Penalty.
- (a) Any person, firm or corporation violating § 50.20 et seq. shall be guilty of a misdemeanor and, upon conviction thereof, in the Magistrate Court of Clay County, shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00. 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 the civil and criminal rights of prosecution in this area; and/or
 - (b) The court may order the publication of the name of persons convicted of violating this chapter;
 - (c) In the case of 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 chapter. Clay County shall not be responsible for any cost of cleanup or remediation. At the discretion of the Clay County Board of Commissioners,

Clay County may clean the property and charge the landowner for the cleanup cost.

- (2) Civil remedies and abatement of nuisance. In the event that any person, firm or corporation violates any provision of this chapter, the County Attorney or other appropriate authority of the county may, in addition to other remedies, institute an action for injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.
- (3) Evidence of violations.
 - (a) Whenever litter is thrown, deposited or dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this chapter, it shall be prima facie evidence that the operator of the conveyance has violated section 50.20 et seq.
 - (b) Whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of section 50.20 et seq. 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 rebuttal presumption that such person has violated section 50.20 et seq.

(Ord. of 5-31-1994; Ord. of 7-10-1984; Ord. of 4-3-2001)

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DIVISION 2. LITTER CONTROL

Sec. 50.20 Definitions.

Sec. 50.21 Waste disposal.

Sec. 50.22 Transporting litter and waste.

Sec. 50.23 Regulation of garbage or litter containers or receptacles.

Sec. 50.24 Accumulation.

Sec. 50.25 Control of junk yards.

Sec. 50.26 Recycling.

Sec. 50.27 Enforcement.

Sec. 50.20 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Automobile graveyard. An establishment which is maintained or used for storing, buying or selling wrecked, scrapped, ruined or dismantled motor vehicle parts.

Dump. To throw, discard, place, deposit, discharge, burn or dispose of a substance.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris or waste; junked, dismantled or wrecked automobiles or parts thereof, or iron, steel and other old scrap ferrous or nonferrous material.

Junk vehicles. Any vehicle that cannot be moved by its own power and/or does not have an updated license plate.

Junkyard. Any establishment which is maintained or used for storing, buying or selling junk or for an automobile graveyard.

Litter. 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. The right-of-way of any road or highway, any body of water or watercourse, any park, playground, building, refuge or conservation or recreation area and residential, commercial or farm properties, timberlands or forests.

Scrap tires. All tires which are no longer suitable for their original intended purpose because of wear, damage or defect.

State law reference— Similar provisions. O.C.G.A. § 12-8-22 (31).

Scrap tires generator. Any person or business who generates scrap tires, as defined in Georgia Rules of Solid Waste Management, being O.C.G.A. § 391-3-4-19(2.1).

Tire retailer. Any person or business engaged in the business of selling new replacement tires.

State law reference— Similar provisions. O.C.G.A. § 12-8-22(39).

Waste. All discarded substances and materials whatsoever exceeding ten pounds in weight or 15 cubic feet in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste (as that term is defined in O.C.G.A. § 12-8-62) or material dumped for commercial purposes. With the exception of animal by-products, waste includes without limitation bottles, boxes, containers, papers and tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, waste oil, batteries, antifreeze and any other discarded material or substance of every kind and description, 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. The improper disposal of waste is a felony and not subject to the provisions of this chapter.

(Ord. of 4-3-2001)

Sec. 50.21 Waste disposal.

- (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, leave or to cause or 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 and/or by the Clay 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.
- (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 highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof or on any other public lands except in containers or areas lawfully provided for such dumping;
 - (2) In or on any fresh water lake, river, canal, 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.
- (D) All persons defined as scrap tire generators, scrap tire carriers and tire retailers shall be subject to rules as defined in Ch. 391-3-4-19 and handle scrap tires in accordance with the

provisions of O.C.G.A. § 12-8-20 et seq. and the rules for solid waste management, Ch. 391-3-4 applicable to solid waste.

(Ord. of 4-3-2001)

Cross reference—Penalty see § 50.99

Sec. 50.22 Transporting litter and waste.

- (A) It shall be unlawful to drive or operate a vehicle in Clay County hauling wet or moist litter or waste which leaks, flows freely or spills from such vehicle.
- (B) It shall be unlawful for any vehicle to transport litter or waste on any public street or roadways in Clay County without suitable covering 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.

(Ord. of 4-3-2001)

Cross reference—Penalty see § 50.99

Sec. 50.23 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 in 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 or animal parts 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, bedsprings, mattresses, tires, large tree limbs, air conditioning units or similar items.
- (G) No person shall deposit any flammable or explosive materials in any such containers or receptacles.
- (H) No person shall place or scatter litter or waste in or around such container or receptacles.
- (I) No person shall scavenge or collect items from in or around such containers or receptacles.
- (J) The following establishments are required to provide adequate litter receptacles for the use of their customers, employees and visitors:
 - (1) Supermarkets, convenience stores, restaurants, services stations, commercial establishments, garages, schools and churches;
 - (2) Work areas and institutions that have loading and unloading operations where packing and repacking are done;
 - (3) Contractors at construction projects for disposal of residue and employee lunch/coffee break discards.
- (K) 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 container used for the storage or dumping of litter or waste.

(Ord. of 4-3-2001)

Cross reference—Penalty see § 50.99

waste materials which must be properly disposed of. Therefore, it is the policy of the Clay County Board of Commissioners to encourage recycling whenever practicable.

(Ord. of 4-3-2001)

Sec. 50.27 Enforcement.

Enforcement of this chapter shall be the responsibility of the Clay County Sheriff or his or her designee or other as designated by the Clay County Board of Commissioners. Any person or persons authorized to enforce this chapter shall be empowered to enter any property, upon reasonable cause, at reasonable times in order to inspect the property for violations of this chapter, subject to the condition that to allow entry on private property for inspection, the alleged violation of this chapter must be visible from a public road or right-of-way or upon such officer having received a complaint by a resident of Clay County, Georgia alleging a violation of this chapter. The Magistrate Court of Clay County shall also be authorized to issue summons for hearing on alleged violation of the ordinance upon written accusation or any person sui juris alleging such violation.

(Ord. of 4-3-2001)