

Chapter 10

HEALTH AND SANITATION

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Exhibit A

ARTICLE I. RESERVED

**ARTICLE II. COLLECTION OF SOLID WASTE IN UNINCORPORATED
AREAS OF COUNTY**

Section 10.11 AMOUNT AND COLLECTION OF TAX.

a. Effective November 1, 2008, each residential and commercial unit located within the unincorporated area of the County shall be charged a fee as provided in the Fee Schedule attached hereto as ***Exhibit A***. Said fees for subsequent years shall be set annually by the Randolph County Board of Commissioners at the first regular meeting of each fiscal year.

b. The occupant and/or the owner of the residential or commercial unit according to the 911 Address shall be billed for the fee collected under this ordinance. The occupant and/or the owner shall be billed monthly by the County showing the amount due and payable. "Residence" shall be defined as all single-family dwelling units, including mobile homes and modular homes, and each individual unit of any multi-family structure, such as duplexes and apartment buildings. "Commercial" shall be defined as any hotel, motel, restaurant, business, public or semi-public establishment of any kind.

c. Said fee shall be due and payable by the tenth day of each following month. A late payment penalty and an assessment of interest shall be imposed on each account for which payment is not made within the prescribed time limit. The occupant and/or the owner of each residential or commercial unit may pay the entire amount due for the calendar year in advance if he or she so desires.

d. The collection of residential and commercial solid waste fees and administrative and other costs levied pursuant to the terms of this ordinance and all late charges accruing thereto are hereby deemed to be and are constituted a tax, and are hereby levied severally against the owner and the occupant of each residential and commercial unit, including all residential units located in mobile home courts and/or trailer courts. The fees, administrative and other costs, late charges and interest billed in this section shall be treated in all respects as provided by law with respect to ad valorem and state taxes; and uncollected fees, administrative costs, late charges, and interest shall constitute a continuing lien against the real property upon which the residential or commercial unit is located, on all of the real property generally of the owner, and on personal property composing a residential or commercial unit, and upon the personal property of the owner and of the occupant of each residential and commercial unit until paid. Said liens shall attach by operation of law upon the date each such fee, late charges, administrative and other costs and interest shall become due, and shall constitute continuing liens upon the properties from those dates until paid and satisfied, and this

Ordinance shall constitute notice to the world of the attachment of and the existence of said liens binding upon the world and upon all subsequent successors in title and lien holders, irrespective of whether writs of fieri facias shall have been issued and/or recorded. Writs of fieri facias may be issued by the County for fees, costs and other charges which are past due, and collection may be effected as provided by law for ad valorem or other state taxes as provided by O.C.G.A. Section 12-8-39.3, or other applicable law. The Code Enforcement Officer is authorized to enforce the provisions for collection as provided herein and is authorized to execute writs of fieri facias and all documents necessary for collection.

e. It shall be the duty of the Code Enforcement Officer to review the status of the fees, late charges and interest levied by this Ordinance on the fifteenth day of each March, June, September, and December, and to issue a writ of fieri facias for the collection of each such fee, late charges and interest which shall not have been paid, and for the administrative cost as herein provided, and for all costs of collection and enforcement as in the case of executions for county ad valorem taxes, and to record said writs on the General Execution Document in the office of the Clerk of the Superior Court in the County in which the property is located. Should in any case this procedure not be followed, such failure shall in no way affect the lien and notice of lien provisions of Section 1 (d) above.

Section 10.12 **USE OF TAXES AND FEES.**

All taxes and fees imposed by this ordinance shall be used and appropriated to pay for the collection and disposal of all solid waste within Randolph County. Said taxes and fees shall be deposited in a special account set up by the County specifically for this purpose.

Section 10.13 **SOLID WASTE STORAGE AND COLLECTION.**

a. For purposes of this ordinance, solid waste shall mean putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving, or consumption of food, including food containers, and non-putrescible solid waste consisting of combustible and non-combustible 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 vinyl containers supplied by the County or its designated collector.

c. Containers must be placed at the curbside of the nearest public road by 7 a.m. on regular collection days or on the next collection day if the regular collection day falls on a holiday. Containers from residential units must be moved from curbside to a place on the side or rear 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 County either through employers 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, except with the express permission of the County.

e. Solid waste shall be collected once a week from residential units on a day to be established by the Randolph County Board of Commissioners. The frequency of collection for commercial units shall 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 contract 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, or furniture.

h. The County or the designated collector may elect to collect yard waste, including grass clippings, trees, and tree branches (cut to a length of no more than four feet), and/or other vegetation, each week on a day to be established by the Randolph County Board of Commissioners.

i. The provisions of this subparagraph apply to Travel Trailer Parks as herein defined, and shall be in addition to the other requirements of this ordinance not in conflict herewith.

1. The term 'Travel Trailer Park' as used in this ordinance means a parcel of land which is being used and operated commercially to accommodate one or more travel trailers, tents, RV's, or other portable facilities used for temporary camping type activities. The definition includes RV parks, campgrounds, campsites, and primitive campsites.

2. The owners and operators of a Travel Trailer Park shall furnish for each such park a container meeting the following requirements as to size:

Parks having ten or less sites:	one four yard container.
Parks having eleven to twenty sites:	one six yard container.
Parks having twenty or more sites:	one eight yard container.

Section 10.14 **VIOLATION OF ORDINANCE.**

Each violation of any provision of this ordinance shall be punishable by a fine not to exceed \$500 or 30 days' imprisonment in the Randolph County Jail or both. Ordinance violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations, as provided by O.C.G.A. § 15-10-60 et seq. Citations shall be issued by the Code Enforcement Officer or his/her designee.

Sections 10.15 - 10.20 **RESERVED.**

ARTICLE III. LITTER CONTROL ORDINANCE

Section 10.21 PURPOSES.

The Randolph County Board of Commissioners, in furtherance of their responsibility to protect the public health, safety, and well-being of the citizens of Randolph County, Georgia and to protect and enhance the quality of the environment hereby establishes rules and regulations controlling the unsystematic, careless, and indiscriminate disposition of litter throughout Randolph County, Georgia.

Section 10.22 ENACTMENT CLAUSE.

The Board of Commissioners of Randolph County, Georgia, under authority of Art. 9, Sec. 2, Par. 1 of the Constitution of Georgia (1983) hereby resolves and enacts into law the following articles and sections.

Section 10.23 TITLE.

This Regulation shall be known and may be cited as “The Litter Control Ordinance of Randolph County, Georgia.”

Section 10.24 DEFINITIONS OF TERMS USED IN THIS REGULATION.

a. General.

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “may” is permissive and is not mandatory. The Board of Commissioners” refers to the Board of Commissioners of Randolph County, Georgia.

b. Specific Definitions.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section:

County means the duly authorized governing body of Randolph County, Georgia, or the geographical area of Randolph County, Georgia, outside the corporate limits of any incorporated municipality therein.

Dumpster means a bulk container used for the collection of garbage, refuse, trash, and litter. The use of the term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding or feeding material for flies, insects, or animals.

Household Trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means all waste, including solids, semi-solids, sludges, and liquids, created by factories, processing plants, or other manufacturing enterprises.

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

Landfill means any facility where any treatment, utilization, processing, storage, or depositing of solid waste occurs.

Litter means all discarded man-made materials, including, but not limited to, garbage, household trash, industrial waste, building materials, junked vehicles, or portions thereof, refuse, waste materials, sand gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used, or unconsumed substance which is not handled in accordance with the provisions of this Ordinance.

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

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

Road or Street shall be mutually inclusive and shall likewise be deemed to include any alley, lane, court, and other thoroughfare, however described or designated.

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

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

Section 10.25 **LITTER CONTROL**

a. General.

1. It shall be unlawful for any person or person to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in the County, unless:
 - (a) The property is designated by the state of County or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property;
 - (b) The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter; 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.
2. Public Streets and Private property. No person shall place any accumulations of refuse and trash in any street, median strip, alley, or other public place of travel, not upon any private property except with the written consent thereof, and then only in accordance with the provisions of this Ordinance.
3. Blockage of Drainage. No person shall place any refuse, trash, refuse receptacles, or containers on, over, or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
4. Unauthorized Storage. Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley, or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the Board of Commissioners or their designee shall raise the presumption that such person intended to violate this Ordinance.
5. Appliances. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door. This Section shall not apply to any appliances, refrigerators, or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped, or locked so that it will be impossible for a child to obtain access to any compartment thereof.

6. Use of Streets. It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle. This Section shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock.
7. Scavenging. No person other than the owner thereof shall disturb or interfere with any container or dumpster used for the purpose of storing refuse pending its collection, or remove any contents therefrom, or remove such container from its location.

Section 10.26 **ENFORCEMENT.**

a. General.

This Ordinance shall be enforced under Official Code of Georgia Annotated § 15-10-66, as amended, said section being entitled *VIOLATION OF ORDINANCES OF COUNTIES AND STATE AUTHORITIES*.

b. Investigations.

The members of the Randolph County Sheriff's Department and the Randolph County Department of Public Works shall report all complaints of violations of any of the provisions of this Ordinance to the County Administrator.

c. Enforcing Officers.

The County Administrator and his authorized inspectors and the members of the Randolph County sheriff's Department are authorized to issue a citation against any person violating this Ordinance.

d. Court Proceedings.

1. Violations of this Ordinance shall be tried upon citations as provided in Official Code of Georgia Annotated § 15-10-63, and may be tried with or without a prosecuting attorney as well as upon accusation by the County Attorney. The County Attorney shall serve as prosecuting attorney.
2. Violations of this Ordinance shall be tried in the Magistrate Court of Randolph County, Georgia, and shall be tried in accordance with the Official Code of Georgia Annotated §§ 15-10-60 through 15-10-66.
3. Nothing in this Article shall prevent the Board of Commissioners from bringing civil action for injunction, mandamus, or other proceedings to

present, correct, or abate any violation of this Ordinance. No sanction, penalty, or remedy prescribed herein shall be considered exclusive of any other remedy but shall be available in addition to any other sanction, penalty, or remedy by law.

4. Each violation of this Ordinance shall constitute a separate offense.

e. Prima Facie Case.

1. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this Ordinance.
2. Except as provided in sub-section 1 of this section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including, but not limited to, letters, bills, publications, and other writings, which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.

f. Penalty.

1. Any person violating this Ordinance or any provision hereof, upon conviction, shall be punished as follows:
 - (a) By a fine or not less than \$100 and not more than \$1,000
 - (b) In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public road or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - (c) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

(d) The court may publish the names of persons convicted or violating this Ordinance.

2. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the Magistrate and required to post bond for his future appearance.

Sections 10.27 - 10.30

RESERVED.

ARTICLE IV. SCRAP TIRE AND USED TIRE MANAGEMENT

Section 10.31 DEFINITIONS.

a. The term “*dump*” means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.¹

b. The term “*manifest*” means a form or document used for identifying the quantity and composition and the origin, routing, and destination of scrap tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer approved by the Georgia Environmental Protection Division (EPD).²

c. 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.³

d. The term “*retail tire dealer*” means a person actively engaged in the business of selling new replacement tires.⁴

e. The term “*scrap tire*” means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.⁴

f. 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.⁴

g. 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.⁴

h. 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.⁴

i. 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.⁴

¹ – As defined in O.C.G.A. 16-7-51

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

³ – As defined in Section 391-3-4-.01 of the Georgia Rules for Solid Waste Management

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

Section 10.32 **ACCUMULATION AND MANAGEMENT.**

a. The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all scrap tires on the premises used or occupied by such person.

b. It shall be unlawful to cause, suffer or allow the dumping of scrap tires at any place in Randolph 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 the County unless such scrap tires originate in Randolph County or other areas authorized by the Chairman and Board of Commissioners AND:

1. The property is designated by the Chairman and Board of Commissioners or their duly designated agent and the Georgia Environmental Protection Division for the collection or disposal of scrap tires and the person is authorized to use such property;
2. The scrap tires are placed into a receptacle or container installed specifically for such property; AND
3. The property has a valid solid waste handling permit or other applicable identification numbers, approvals and/or permits issued by the Georgia Environmental Protection Division (EPD) when required.

c. 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, except where requirements of this ordinance are more stringent.

d. Accumulation:

1. It shall be unlawful for any person in a residential zone to accumulate more than five (5) scrap tires on or around property, which they own or occupy.
2. A retail tire dealer may hold up to 100 scrap tires per garage bay in storage, up to a maximum of 1000 scrap tires.
3. Scrap tires must be stored in covered or enclosed areas, or under an impermeable cover to prevent the accumulation of water.

Section 10.33 **ENFORCEMENT, VIOLATIONS AND PENALTIES.**

a. Enforcement of this ordinance shall be the responsibility of the Chairman and Board of Commissioners of Randolph County and the Randolph County Code Enforcement Department.

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. 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 Randolph County, shall be punished as follows:

1. For the first offense: By a fine of not less than \$100.00 and not more than \$1,000.00¹, or up to 30 days imprisonment, or both. Each day the violation continues shall constitute 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;
2. For the second or more offense(s): The violator shall be guilty of a misdemeanor of high and aggravated nature punishable by a fine of not less than \$750.00 and not more than \$1,000.00, or up to 60 days imprisonment, or both. Each day the violation continues shall constitute a separate offense; and/or

d. 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 violation²; and/or

e. In case of a tire dump, 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. Randolph County shall not be responsible for any costs of cleanup or remediation; and/or

f. 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.

g. In addition to actions filed by Randolph 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.

h. Nothing in this Chapter shall prevent Randolph County from instituting a nuisance action or seeking to enforce the property maintenance ordinance of Randolph County against any property owner or occupant where storage of scrap tires may constitute a danger to the health, safety and welfare of the citizens of Randolph County.

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

² – As provided in O.C.G.A. section 16-7-53 (d)

Sections 10.34 - 10.40

RESERVED.

ARTICLE V. ON-SITE SEWAGE MANAGEMENT SYSTEM ORDINANCE.

Section 10.41 DEFINITIONS.

County Board of Health. This term shall refer to and mean the Randolph County Board of Health.

County Planning Commission. This term shall refer to and mean the Randolph County Planning Commission.

On-Site Sewage Management System. This term shall refer to and mean a sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes, recreational vehicles, residencies or other facilities designed or used for human occupancy or congregation. Included are conventional septic tank systems, privies, experimental and alternative on-site sewage management systems, portable toilets, and other systems subject to approval by the County Board of Health.

Section 10.42 ON-SITE MANAGEMENT SYSTEM REQUIRED.

Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more.

Section 10.43 STANDARDS REQUIRED.

New Installations, additions and repairs of on-site sewage management systems shall meet all standards and satisfy all applicable provisions set forth by the County Board of Health and the Georgia Department of Public Health. No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system is required or will be utilized, nor install an on-site sewage management system without having first applied for and obtained from the County Board of Health, approval and a construction permit for the installation. No person may cover or use an on-site sewage management system until final inspection has been made by the County Board of health to determine compliance with the provisions and standards of construction, and written approval has been issued by the County Board of Health.

Section 10.44 SUBDIVISION AND MOBILE HOME PARKS.

No person may sell, offer for sale, lease, rent, begin construction or otherwise commence the physical development or improvement of a subdivision or mobile home park where public or community sewage treatment systems are not available or contemplated to be available to serve the proposed development until proposals and plans for the water supply and sewage disposal method to be provided or installed have been submitted to, and written approval thereof has been obtained from, the County Board of health, County Planning Commission and the Georgia Department of

Public Health.

Section 10.45 **PROHIBITED DISCHARGE.**

No person shall allow the unapproved discharge, dumping, or spillage of sewage or septage, nor shall an on-site sewage management system be used or maintained in such manner that will allow the seepage or discharge of effluent from such system to the ground surface or into a water well, abandoned well, water course, drainage ditch, open trench, canal, storm drain or storm sewer, lake, stream, river, groundwater or other body of water. Septage removal and disposal of the contents of on-site sewage management systems shall be carried out in accordance with public health and environmental protection regulations. When, in the opinion of the County Board of Health, an existing on-site sewage management system presents an eminent or probable threat to public health, the use of such system shall be immediately discontinued and corrective measure shall be taken by the owner to preserve public health.

Section 10.46 **PENALTIES.**

Any person violating any of the provisions of this ordinance may be prosecuted in the Magistrate's Court of Randolph County, and if convicted shall be punished by a fine of not less than (\$25.00) and not more than \$1,000.00 as provided in section 36-1-20 of the official Code of Georgia. Each day in violation of this ordinance shall be considered a separate punishable offense.

Section 10.47 **ORDINANCES REPEALED.**

All other ordinances and parts of ordinances in conflict with this ordinance are hereby repeals.

Section 10.48 **UNCONSTITUTIONALITY CLAUSE.**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the reminder of said ordinance shall not be affected thereby and shall continue in full force and effect.

Section 10.49 **ADMINISTRATION AND ENFORCEMENT.**

The Randolph County Environmental Health Specialist of the County Health Department, together with the Randolph County Sheriff's Department shall be jointly responsible for the administration and enforcement of this ordinance.

Sections 10.50 - 10.60 **RESERVED.**

ARTICLE VI. HAZARDOUS MATERIAL CLEAN-UP COST RECOVERY

Section 10.61 **PURPOSE.**

It is the intent and purpose of the Ordinance to provide to the County of Randolph a means by which it may recover costs incurred by it in cleaning up hazardous material releases from the individuals and/or entities who cause or contribute, in whole or in part, to the occurrence of such releases.

Section 10.62 **DEFINITIONS.**

For the purposes of this Ordinance, the following words or terms shall have the following described meanings:

Hazardous Material as used in this Ordinance shall mean any material or substance which because of its quantity, concentration, or physical, chemical, or infectious characteristics, presents a direct or immediate threat to the public health or safety to the environment, and which requires immediate action to mitigate such threat. Such materials shall include, but not necessarily be limited to, any material classified as hazardous by any federal legislation or regulation, by any state legislation or regulation or by any Local or City Ordinance, and shall include, but not be limited to any of the following: explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquids, oxidizing material, any flammable material, poisonous gas or other material, poisonous liquid, irritating material, material that causes diseases in humans, gas under such pressure that an explosion hazard exists, liquified petroleum gas, gasoline, motor oil, anti-freeze, brake fluid, transmission fluid, diesel fuel, any other petroleum products.

Emergency action shall mean all activities conducted by the County to prevent or mitigate injury to human health or to the environment from a release or threatened release of any hazardous material into or upon the environment.

Person shall mean any individual, corporation, association, partnership, firm, trustee, legal representative, or any other entity.

Recoverable Expenses shall mean generally those expenses incurred by the County that are reasonable, necessary, and attributable to an emergency action, and shall include but not be limited to the cost of services provided by private contractors or other governmental agencies summoned by the County. Such recoverable expenses may include, but are not limited to expenses incurred for:

- a. Disposable materials and supplies required, consumed and expended specifically for the purpose of the emergency action; and
- b. Compensation paid by the County to employees or volunteer firefighters for the time and efforts devoted specifically to the emergency action, including wages, benefits, and administrative overhead; and

- c. Rental or leasing of equipment used specifically for the emergency action, such as protective equipment or clothing, and scientific or technical equipment; and
- d. Replacement costs or equipment owned by the County that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action, such as self-contained breathing apparatus irretrievably contaminated during the emergency action; and
- e. Decontamination of equipment contaminated during the emergency action; and
- f. Special technical services specifically required for the emergency action, such as costs associated with time and effort of technical experts or specialists not otherwise provided for by the County; and
- g. Other special services or equipment specifically required for the emergency action; and
- h. Laboratory costs of analyzing samples taken during the emergency action; and
- i. Costs of clean-up, storage, or disposal of hazardous materials; and
- j. Costs associated with the services, supplies and equipment procured for a specific evacuation; and
- k. Medical expenses incurred as a result of the emergency action; and
- l. Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this Ordinance.

Release shall mean any discharge, deposit, spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, bleaching, dumping, or disposing into or upon the environment, which causes potential danger or harm to the public health or to the environment.

Threatened or potential release shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the County to undertake an emergency action.

County shall mean Randolph County, Georgia and any jurisdiction lying within the boundaries of the County.

Section 10.63 **RELEASE OF HAZARDOUS MATERIALS PROHIBITED; PUBLIC NUISANCE.**

No person shall cause, allow to be caused, or in any way contribute to, the release of any hazardous material upon any public or private property within the County. Any such release shall be deemed to be a public nuisance.

Section 10.64

EMERGENCY ACTION AUTHORIZED.

The Randolph County Fire & Rescue Department, the EMA Director, the Sheriff's Office and such other County or Emergency offices or departments as may be deemed appropriate, shall be authorized to undertake an emergency action for a threatened release or a release of a hazardous material, and to clean up or abate, or contract with private contractors for the clean-up or abatement of, the effects of any hazardous material unlawfully released upon or onto any property or facilities with the County.

Section 10.65

STRICT LIABILITY FOR COSTS.

Any and all persons causing or contributing to the cause of a release or threatened release of hazardous materials which results in emergency action or abatement being undertaken by the County shall be liable to the County for the recoverable expenses incurred by the County attributable to such emergency action or abatement. This liability shall be in addition to any and all penalties provided by law, and shall exist regardless of whether such person has any other legal liability therefor apart from this Ordinance. The following described persons shall be jointly and severally liable to the County for the payment of all recoverable costs incurred by the County as a result of such emergency action or abatement activity:

- a. Any person or persons whose negligent or willful act or omission is a contributing proximate cause of such release or threatened release; and
- b. Any person or person who owned, or had custody or control of, the hazardous material at the time of such release or threatened release, without regard to fault or proximate cause; and
- c. Any person or person who owned, or had custody or control of, the container which held such hazardous materials at the time of or immediately prior to such release or threatened release without regard to fault or proximate cause; and
- d. Any record owners of any motor vehicles or other equipment containing hazardous materials which are involved in any incident giving rise to the necessity for emergency action or abatement, without regard to fault or proximate cause.

Section 10.66

PROCEDURE FOR COST RECOVERY.

- a. County personnel and departments involved in an emergency action or abatement shall keep an itemized record of recoverable expenses resulting from such emergency action or abatement. Promptly after completion of the emergency action or abatement, the appropriate County department shall certify those recoverable expenses to the County Finance Department for invoicing.
- b. The County shall submit a written itemized invoice for the total recoverable expenses incurred by the County for the emergency action or abatement to the responsible person or persons along with a written notice that unless such amounts are paid in full within thirty (30) days after the

date of mailing of such invoice, the County will file a civil action in a court of appropriate jurisdiction seeking recovery of those recoverable expenses.

c. The County may thereafter initial civil action for recovery of those recoverable expenses against any and all persons causing or responsible for the emergency action or abatement, as defined in this Ordinance.

Section 10.67 **CONFLICT WITH STATE OR FEDERAL LAW.**

Nothing in this Ordinance shall be construed to conflict with state or federal laws or regulations requiring persons causing or responsible for releases or threatened releases of hazardous materials from engaging in remediation activities or paying the costs thereof, or both.

Section 10.68 **SEVERABILITY.**

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

Sections 10.69 - 10.75 **RESERVED.**

EXHIBIT "A"

Fees and Charges

- | | | |
|----|-------------------------|--------------------|
| 1. | Cost per can (hobo) | \$21.00 per month |
| 2. | Cost per 4 yd. dumpster | \$65.00 per month |
| | Cost per 6 yd. dumpster | \$95.00 per month |
| | Cost per 8 yd. dumpster | \$125.00 per month |