

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY**

PROHIBITING LITTERING UPON ANY PUBLIC OR PRIVATE PROPERTY IN DAWSON COUNTY, GEORGIA AND UPON ANY WATERS WITHIN THIS COUNTY, DEFINING LITTER, PUBLIC OR PRIVATE PROPERTY, SCRAP TIRES, SCRAP TIRE GENERATORS, SORTERS, AND CARRIERS, TIRE RETAILERS, MUNICIPAL, COMMERCIAL AND INDUSTRIAL SOLID WASTE, AND RECOVERED MATERIALS. REGULATIONS FOR DISPOSAL, BURNING, BURIAL AND TRANSPORTATION OF ALL SOLID WASTE, THE USE OF GARBAGE OR LITTER CONTAINERS OR RECEPTACLES, LITTER AND SCRAP TIRES,

UNLESS SPECIFICALLY EXCEPTED; TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR ACTS THAT CONSTITUTE A VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

**WHEREAS**, Article 9, Section 2, Paragraph 1 of the Georgia Constitution permits the governing authority of each county to have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property; and

**WHEREAS**, OCGA § 16-7-43, et. seq. permits the adoption of certain ordinances regulating and controlling litter; and 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 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.

**WHEREAS**, the intention of the Dawson County Board of Commissioners through this ordinance is to provide for the uniform prohibition throughout the county of any and all littering on private and public property and to thereby limit the desecration of the beauty of the county and to promote the health, welfare, and safety of the citizens of Dawson County and to limit the harm to the health, welfare, and safety of the citizens of Dawson County caused by individuals who litter. It is the policy of Dawson 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.

**NOW, THEREFORE**, it is hereby resolved and ordained by the Board of Commissioners of Dawson County, Georgia as follows:

**Section 1: Title**

This ordinance shall be known and may be cited as " The Dawson County Litter Ordinance."

**Section 2: Definition**

As used in this Ordinance, the following words or phrases shall have the following meanings:

- a) The term "**commercial solid waste**" shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste as defined in O.C.G.A. 12-8-22 (4.1).
- b) The term "**dump**" means to throw, discard, place, deposit, discharge, bury, or dispose of a substance. (O.C.G.A. 16-7-51)
- c) The term "**disposal facility**" means any facility or location where the final deposition of solid waste occurs and includes but is not limited to land-filling and solid waste thermal treatment technology facilities as defined in O.C.G.A. 12-8-22 (8).
- d) The term "**industrial solid waste**" shall mean waste generated by manufacturing or industrial processes or operations. Such waste includes, but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and food 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 natural oil and natural gas waste. O.C.G.A. 12-8-22(12.1)
- e) The term "**inert waste**" shall mean 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 above (Section 391-3-4-.06 of the Georgia Rules for Solid Waste Management).
- f) The term "**litter**" means all sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.
- g) The term "**municipal solid waste**" shall mean any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes commercial solid waste, but

does not include solid waste from mining, agricultural, or Silva cultural operations or industrial processes or operations as defined in O.C.G.A. 12-8-22 (18).

- h) The term "**open dump**" or "**dump site**" means a disposal site, location or 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 as defined in Section 391-3-4-.01 (44) of the Georgia Rules for Solid Waste Management.
- i) 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.
- j) "**Public or Private Property**" means the right-of-way of any road or highway; anybody of water or watercourse or the shores of beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or non-residential properties, timberlands or forests; or any property not set aside for the storage of waste materials and litter as defined in O.C.G.A. 16-7-42 (2).
- k) The term "**recovered materials**" shall mean those materials that have known use, reuse, or recycling potential and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling as defined in O.C.G.A. 12-8-22 (25).
- l) The term "**recovered materials processing facility**" shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials as defined in O.C.G.A. 12-8-22(26). 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.
- m) The term "**scrap tire**" shall mean a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect, or one that cannot be re-treaded or otherwise recycled O.C.G.A. 12-8-22 (31).
- n) The term "**scrap tire carrier**" shall mean any person engaged in picking up or transporting scrap tires not otherwise exempted under Section 391-3-4-.19(5.g) for the purpose of removal to a scrap tire processor, end user, or disposal facility O.C.G.A. 12-8-22 (32).
- o) The term "**scrap tire generator**" shall mean any person who generates scrap tires as defined in Section 391-3-4-. 19 (2.i) of the Georgia Rules of Solid Waste Management.

- p) 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.
- q) The term “**scrap tire sorter**” means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and re-treadable casings from scrap tires.
- r) 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, semi-solid, 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 subject to permit under 33 U.S.C. Section 1342: or source, special nuclear, or by-product materials as defined by the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923). O.C.G.A. 12-8-22 (33).
- s) The term "**solid waste handling**" means the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination of such activities. O.C.G.A. 12-8-22 (34).
- t) The term "**tire retailer**" shall mean any person engaged in the business of selling new, re-treaded or used replacement tires O.C.G.A. 12-8-22 (39).
- u) The term "**waste**" shall mean all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15 ft 3.) in volume, or any such substance in any weight or volume of biomedical waste, hazardous waste (as that term is defined in O.C.G.A. Section 12-8-62), or any such substance or material dumped for commercial purposes. With the exception of non-hazardous, low-impact animal bi-products classified by DNR, "waste" includes without limitation, bottles, boxes, containers, papers, tobacco products, tires, dead animals including their bedding and other wastes from such animals, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, vessels, aircraft equipment, waste of 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, 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.
- v) 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 Silva cultural operations.

**Exemptions:** provisions of these Rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These Rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle. Provided that if such individual, corporation, partnership, or cooperative shall provide an approved disposal system which is capable of properly disposing of the run-off from a “ten year storm” such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these Rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

### **Section 3: Littering and Waste Disposal**

- a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposing of all litter, scrap tires, and municipal, commercial or industrial solid waste on the premises used or occupied by such person.
  
- b) It shall be unlawful of any person or persons to dump, open dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter scrap tires, municipal, commercial, or industrial solid waste or recyclables at any place in Dawson 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, on any public or private property in Dawson County, Georgia or any waters in this county, unless such litter or waste originates in Dawson County or other areas authorized by the Dawson County Board of Commissioners AND:
  - 1) the property is designated by the State or any of its agencies or political subdivisions for the disposal of such litter, municipal, commercial or industrial solid waste, scrap tires or recovered materials and the person is authorized by the proper public authority to use such property;
  - 2) the litter, municipal, commercial or industrial solid waste, recyclables or scrap tires is placed into a litter receptacle or container installed specifically for such property; or
  - 3) the person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant in a manner consistent with the public welfare and the property has a valid solid waste handling permit issued by EPD. A copy is to be filed in the Business License Office of the County.

- 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 provision 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.
- d) It shall be unlawful for any person to dump or place waste unless authorized to do so by law or by a duly issued permit:
  - 1) In or on any public highways, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers 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.
- e) All persons defined as scrap tire generators, scrap tire carriers, tire retailers shall be subject to rules as defined in Section 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, Chapter 391-33-4. 392-3-4.19 applicable to solid waste and tires.

**Section 4: Transporting Solid Waste And Litter**

- a) It shall be unlawful to drive or operate a vehicle in Dawson County hauling municipal, 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 unless such truck or other vehicle is so constructed or loaded or covered so as to prevent any load, contents or litter from being blown, scattered or in any manner deposited in or upon any street, sidewalk, or other public place or upon private property within the county. Any litter or municipal, commercial, or industrial solid waste hauled on a moving vehicle shall be covered in such a manner that litter will not blow or escape from said vehicle while moving or parked on public or private property in Dawson County.
- c) It shall be unlawful for any vehicle to transport litter or waste on any public streets, or roadways, in Dawson County without suitable coverings or other restraint devices securely fastening such litter or waste to the vehicle so as to prevent any materials from being deposited onto other motor vehicles, pedestrians, or the roadway and its adjoining areas. However, this section shall not prohibit the necessary and permitted spreading of any substance in public road maintenance or public road construction operations.

- d) It shall be unlawful for any person to drive or move any truck or other vehicle within the county, the wheels or tires of which carry onto or deposit in or upon any street, sidewalk, or other public place within the county, mud, dirt, sticky substance, litter or foreign matter of any kind if it creates a hazardous condition upon roadway.

**Section 5: Regulation Of All Solid Waste Or Litter Containers And Receptacles**

- a) All solid waste or litter containers or receptacles 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 solid waste and refuse in the 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 Dawson County Board of Commissioners or his or her designee.
- d) No person shall deposit any burning or smoldering material in such container or receptacle.
- e) No person shall indiscriminately scatter or disperse the contents of any containers or receptacles.
- f) No person shall deposit large non-compactable articles in containers or receptacles such as but not limited to, stoves, refrigerators, bed springs, automobile parts, boat parts, large tree limbs or air conditioning units, except containers or receptacles designated for that purpose only.
- g) No person shall deposit any flammable or explosive materials in any such container or receptacle.
- h) No dead animals, livestock or poultry shall be deposited in any such container or receptacle, except receptacles designed for such purpose and so designated by the Dawson County Board of Commissioners, except that animals including poultry may be buried or otherwise disposed of on private property according to the regulations of the USDA.
- i) No person shall willfully damage or alter the location of any such container or receptacle.
- j) No salvage or scavenging operations shall be conducted in or around such containers or receptacles.
- k) No person shall deposit any solid waste at a county solid waste collection and recycling center unless such solid waste is contained in such a manner that it can be handled by the user. Solid waste shall be deposited only during the official hours of operation, unless the Board of Commissioners or their designee gives express written permission.

- l) No person shall deposit solid waste, water or litter 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 a glass, aluminum, newspaper, cardboard, plastic, and tin or other accepted material may be deposited in the appropriate container designated for said material.
- m) No person shall deposit solid waste or litter of any kind in receptacles not designed for such purpose.

**Section 6: Regulation Of Municipal Solid Waste Landfills, Inert Landfills, Construction And Demolition Landfills, And Solid Waste Collection And Recycling Centers**

- a) No landfill shall be operated in Dawson County, Georgia other than a landfill designated by the Board of Commissioners as the county landfill, and no private municipal solid waste landfill shall be operated in Dawson County, Georgia without a solid waste-handling permit issued by the Georgia Environmental Protection Division.
- b) It shall be unlawful for any person to deposit solid waste of any kind outside the gate of a solid waste collection and recycling center.
- c) No scavenging operation of any kind shall be allowed at a solid waste collection and recycling center.
- d) No person shall move, remove, or cross any fence, gate, barrier, or sign at a solid waste and recycling center.
- e) Price on solid waste brought to said center will be set to defray total cost of solid waste and recycling operations.
- f) Hours of operation of said centers will be set to maximize convenience to residents of that area.
- g) All recovered materials (recyclables) brought to collection centers will be accepted free of charge provided, it is separated under current market specifications and likewise uncontaminated.
- h) Attendant on duty will have full authority of said center consistent with this ordinance.
- i) All rules listed above shall apply to all public and/or private property in said County, all waters and/or waterways of Dawson County, and all Dawson County Solid Waste Collection and Recycling Centers.
- j) It shall be unlawful to place, abandon, leave, keep or store inoperable appliances or parts thereof, out of doors upon any public or private land as seen from a public roadway unless fenced. Fence shall be designed to minimize visibility. Chain link is allowed but shall have chain link fence inserts for screening. Fencing shall be a minimum of 4 feet high. The

exception of this paragraph is within the confines of a lawful junk or salvage yard or designated public disposal area. All such materials shall be stored in such manner that will preclude the harborage of rodents and insects.

### **Section 7: Recovered Materials**

- a) Recovered materials and recovered materials processing facilities are subject to rules as defined in Chapter 391-3-4, et seq. of the Georgia Rules for Solid Waste Management.

### **Section 8: Accumulation**

- a) No owner or occupant of any such property shall burn litter or waste without prior authorization and written permission from the Board of Commissioners or applicable regulatory agency, including but not limited to, the Environmental Protection Agency, Environmental Protection Division and/or the Georgia Forestry Service. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.
- b) No owner or occupant of any property shall allow the accumulation, on his or her premises, of garbage, litter or waste where such material creates or causes a health hazard to neighbors or other citizens.
- c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers used for the storage or dumping of litter or waste.
- d) The conduct described in Paragraphs (A) - (C) of this Section 6 shall constitute a separate violation of the ordinance for each day the garbage or waste material remains or continues to unlawfully pollute, contaminate or burn on such premises.

### **Section 9: Penalties**

- a) Any person who violates any portion of this code section shall be guilty of an ordinance violation, and upon conviction thereof, shall be punished as follows:
  - 1) For the first offense: by a fine of not less than \$100.00 and not more than \$1000.00; and/or up to 30 days imprisonment. 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 \$250.00 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

- b) in the sound discretion of a judge of a court in which conviction is obtained, the person may be directed to remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited thereon by anyone else before the date of execution of sentence; and/or
- c) in the sound discretion of a judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposits thereon before the date of execution of sentence.
- d) The court may publish the names of persons convicted of violating subsection (a) of this ordinance.
- e) The Court may order the violator 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; and/or
- f) In the case of an open dump or 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 ordinance. Dawson County shall not be responsible for any costs of cleanup or remediation; and/or
- g) 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.
- h) In addition to actions filed by Dawson 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 10: Civil Remedies And Abatement Of Nuisance**

- a) In the event that any person violates any provision of this ordinance, the County or appropriate authority may, in addition to other remedies, institute an action for injunction clean up or stop work orders, mandamus, irreversible damage fine, lien on property or other appropriate action or proceeding to prevent such unlawful acts or to correct or abate any such violation O.C.G.A. 16-7-52. 16-7-53. 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 the Penalties Section 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 violators last known address.
- d) Upon failure, neglect or refusal of a 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 and a statement of the amount due for said expenses shall be sent by the Board of Commissioners and/or the Court by registered mail.
- e) When 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) In the event that waste(s) or hazardous materials in a dump site cannot be removed from public or private property without causing further endangerment to the environment and/or public health, whether legal or illegal, caused with intent or by accident, acts, of God or force of nature, or where a permit for such long-term or permanent disposal has been issued by the proper authority as defined in Section 6 of this ordinance, the County may attach or otherwise affix a permanent addendum to the deed of real property wherein the dump site exists, stating the approximate size and location of the dump on the property and an approximate description of the materials contained therein, as well as the approximate dates such dumping occurred, to be recorded on the property plat as a fill area O.C.G.A. 12-8-30. The purpose of said attachment is to preserve the health and safety of current and future landowners and users of said properties, to promote the integrity of property description and values., and to record the location of said dumpsites. The County's exercise of Paragraph (F) of this Section shall in no way be mandatory, and Dawson County or its agents shall not be held liable for exercise of action of inaction for implementation of this Paragraph (F), nor for the costs of such action or inaction. (Section 391-3-4.06 of the Georgia Rules of Solid Waste Management)
  
- g) 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 11: Evidence and Presumption of Littering**

- a) whenever litter, or any type of waste(s) as defined in this ordinance, is thrown, deposited, dropped, or dumped from any motor vehicle, boat, or 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.
  
- b) whenever any litter that 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, or other writings that display the name of a person thereon in such a manner as to indicate the article belongs or belonged to such person, the court shall infer that such person has violated this ordinance.

**Section 12: Enforcement**

All law enforcement agencies, officers, and officials of this State or any political subdivision thereof- or any enforcement agency, officer, or official of any commission of this County or any political subdivision thereof are hereby authorized, empowered, and directed to enforce compliance with this Ordinance.

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

**Section 13: 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 14: Recycling**

- a) The Dawson County Board of Commissioners hereby finds that it is in the best interest of the citizens of Dawson 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 Dawson County Board of Commissioners to encourage recycling whenever practicable.

**Section 15: 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 as invalid or unconstitutional.

**Section 16: Repeal Of Conflicting Resolutions Or Ordinances**

- a) Therefore, be it ordained that all conflicting resolutions, ordinances or sections of resolutions, or resolutions in conflict with this Ordinance are hereby repealed.
- b) Be it further ordained that this ordinance shall take effect after passage by the Dawson County Board of Commissioners, and shall be enforced from and after such date, the public health and welfare demanding it.

**Section 17: Effective Date**

This Ordinance shall be effective on the day of its adoption by the Commission of Dawson County, Georgia.

This Ordinance is hereby adopted this 15<sup>th</sup> day of May, 2003 amending the Resolution and Ordinance adopted this 26<sup>th</sup> day of April, 1999.