

AN ORDINANCE AMENDING NEWTON COUNTY ORDINANCE CHAPTER 12, THE LITTER CONTROL AND SOLID WASTE MANAGEMENT ORDINANCE OF NEWTON COUNTY, GEORGIA AND CHAPTER 33, THE NUISANCE ABATEMENT ORDINANCE OF NEWTON COUNTY, GEORGIA, TO MODIFY AND COMBINE THE REGULATIONS GOVERNING PROPERTY MAINTENANCE, LITTER CONTROL AND SOLID WASTE MANAGEMENT, AND NUISANCE ABATEMENT RELATED TO PUBLIC NUISANCES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and,

WHEREAS, the governing authority of Newton County, to wit, the Board of Commissioners, desires to exercise its authority by amending and combining The Litter Control and Solid Waste Management Ordinance of Newton County and The Nuisance Abatement Ordinance of Newton County to modify the regulations governing Property Maintenance, Litter Control and Solid Waste Management, and Nuisance Abatement, to be further known and cited as the "Property Maintenance, Litter Control and Solid Waste Management and Nuisance Abatement Ordinance".

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA AS FOLLOWS:

Section 1.

Chapter 33 (§33-101 through §33-107) of Division II of the Newton County Code of Ordinances, entitled Nuisances is hereby deleted in its entirety;

Section 2.

Chapter 12 of Division II of the Newton County Code of Ordinances, entitled Solid Waste Management is hereby deleted in its entirety and the following Ordinance entitled "The Property Maintenance, Solid Waste Management and Nuisance Abatement Ordinance of Newton County, Georgia", contained in Exhibit "A", attached hereto and incorporated herein by specific reference is adopted in lieu thereof;

Section 3.

All laws, resolutions, or ordinances or parts thereof that conflict with the provisions of this Amendment are hereby repealed;

Section 4.

Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact

that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid;

BE IT FURTHER RESOLVED, by the authority aforesaid, and it is hereby resolved by authority of the same, that any and all resolutions or ordinances in conflict with this ordinance be superseded and the same are hereby repealed.

So resolved this 19th day of February 2019.

**NEWTON COUNTY BOARD OF
COMMISSIONERS**



Marcello Banes, Chairman



Jackie Smith, County Clerk



Exhibit A

**CHAPTER 12: PROPERTY MAINTENANCE, LITTER CONTROL AND SOLID WASTE
MANAGEMENT AND NUISANCE ABATEMENT**

Section

ARTICLE I. PROPERTY MAINTENANCE

12-101	Title
12-102	Purposes
12-103	Scope and Applicability
12-104	Penalties
12-105	Definitions
12-106	Property Maintenance Required
12-107	Unoccupied Structure Security
12-108	Swimming Pools
12-109	Outdoor Storage
12-110	Trees and Shrubs
12-111	Grass, Underbrush or Weeds
12-112	Health and Sanitation
12-113	Graffiti
12-114	Tenant Responsibility for Maintenance
12-115	Owner Responsibility for Maintenance
12-116	Maintenance of Real Property After Casualty Damage
12-117	Rat Infestation Control
12-118	Unfit Dwellings or Buildings

ARTICLE II. LITTER CONTROL AND SOLID WASTE MANAGEMENT

12-201	Purposes
12-202	Definitions
12-203	Public Collection and Disposal
12-204	Private Collection and Disposal
12-205	Private Litter Control
12-206	Practices and Procedures
12-207	Community Health and Welfare
12-208	Enforcement
12-209	Yard Trimmings Disposal Regulations

ARTICLE III. ABATEMENT OF NUISANCE PROPERTY

12-301	Purpose and authority
12-302	Enforcement
12-303	Complaints Relating to Unfit Dwellings or Structures
12-304	Service of Complaints
12-305	Order of the Court
12-306	Failure to Comply with Order of the Court
12-307	Salvage of Reusable Materials
12-308	Lien on Property
12-309	Waiver of Lien
12-310	Appellate Review
12-311	Summary Proceedings

ARTICLE I. PROPERTY MAINTENANCE ORDINANCE

12-101 TITLE

The title of this Ordinance shall be known and may be cited as "The Property Maintenance, Litter Control and Solid Waste Management and Nuisance Abatement Ordinance of Newton County, Georgia".

12-102 PURPOSES

A. The Board of Commissioners of Newton County finds that there are a number of residential and nonresidential properties in Newton County that are poorly maintained and neglected by their owners. These properties adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values.

B. These adverse effects also increase the incidence of illegal habitation, vandalism, criminal activity and fire. The Board of Commissioners finds that the elimination and prevention of these conditions is necessary and is in the best interest of the county and its citizens.

C. Additionally, the Board of Commissioners finds that in Newton County there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation, or for commercial, industrial, or business occupancy or use, and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the citizens of Newton County. The Board of Commissioners finds that it is necessary and in the best interest of the county and its citizens to utilize the authority granted to the county by O.C.G.A. § 41-2-7, et seq., to repair, close, seize or demolish and remove unfit dwellings or structures.

12-103 SCOPE AND APPLICABILITY

This section shall apply to all commercial, office, industrial, multifamily and single-family residential structures and properties, and any person owning, occupying, managing or controlling any such property in Newton County. This article shall constitute the minimum requirements and standards for existing structures and property, as well as any future construction.

A. Every property (including unimproved lots) and every building, dwelling or structure in the unincorporated area of the county, whether occupied or vacant, shall conform to the requirements of this article, regardless of when such building, dwelling or structure may have been constructed, altered or repaired. When a building, dwelling or structure is vacant, the owner, immediately upon vacating, shall ensure that the property is free of trash and debris, and that the dwelling or structure is secured in a closed and inaccessible manner until reoccupied, and continue maintaining the exterior of the property in compliance with this article.

B. The provisions of this article shall not be mandatory for existing buildings, dwellings or structures designated by the state or the county as historic buildings when such buildings, dwellings or structures are judged by Code Enforcement officers and Building Inspectors to be safe and in the public interest of health, safety and welfare.

C. Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas in compliance with this article shall be the joint and shared responsibility of the owners and tenants.

PENALTIES

A. The Public Officer and his/her designees are hereby authorized and directed to administer and enforce all the provisions of this article. Failure to comply with any requirement of this article shall constitute a violation subject to citation and penalty as provided herein.

B. Upon the first violation of any of the provisions of this article, a warning citation shall be issued by the Code Enforcement officer. Upon the second violation of any of the provisions of this article, a citation shall be issued, and the individual shall go before the Newton County Magistrate Court. Notwithstanding the foregoing, Code Enforcement may issue a citation, without warning, upon a first violation of the litter control provisions of article II of this Ordinance. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however, consideration may be given by the court to the previous warning citation.

C. Nothing contained in this section shall be construed to preclude Newton County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.

D. Each violation of this article shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this article is considered a separate offense.

DEFINITIONS

Terms not defined herein shall have their meaning as defined in the Newton County Zoning Ordinance, the development regulations, building codes and any other applicable portion of the Newton County Code of Ordinances, or in the absence of such definition, words shall have their common dictionary meaning. Whenever the words "dwelling unit", "dwelling room", "property", "building", "rooming house", "rooming unit", or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof". The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the public authority or designees authorized by the board of commissioners and charged with the responsibility for administering the provisions of this article. This term is also synonymous with "public officer" for purposes of this article.

Authorized litter receptacle means a litter storage and/or collection receptacle as defined or required by this article.

Building means any structure upon a property, presently or formerly used or intended to be used in whole or in part for residential uses or the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage or any other purpose.

Building Inspector means any employee of Newton County whose responsibilities include enforcement of the provisions of this article.

Code Enforcement Officer means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Article.

Certified mail means that class or type of mail designated by the U.S. Postal Service as "certified mail" and also includes the class or type of mail designated as "registered mail" and "registered mail, return receipt requested".

Commercial building shall mean any structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering professional service, for amusement, for the display, sale, or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, apartment buildings, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns, and other structures on property used for business purposes.

Commercial, industrial, or heavy vehicle or equipment means any of the following:

- (a) Any vehicle with more than two axles; or
- (b) Any vehicle exceeding a gross vehicle weight rating of 20,000 pounds; or
- (c) Any bulldozer, tractor/backhoe, or similar heavy construction or farm equipment.
- (d) This definition shall not apply to school buses as that term is defined herein.

Compost pile means plant debris, soil and other putrescible wastes stacked so as to encourage rapid decomposition for the ultimate use as plant fertilizer.

Condemned means any structure on a property which has been determined and noticed by the Building Inspector, Code Enforcement Officer and/or Fire Marshal to be structurally unsound and unsafe for habitation, unsanitary due to sewer malfunctions, polluted water, or insect or vermin infestations, or otherwise determined to be uninhabitable for any other health or safety reasons.

County means Newton County, Georgia.

Court means a court of competent jurisdiction.

Demolish means to destroy a building and to remove all resultant debris and waste materials from the lot on which the building stood.

Deteriorate, Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation or destruction.

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Dwelling means a building that contains one or more dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes, including single-family, duplex and multifamily residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes and industrialized home, but not including, hotels and motels.

Dwelling unit – single family means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, designed for the exclusive use of a family maintaining a household.

Dwelling unit – multiple family means any dwelling containing more than two dwelling units.

Emergency means a condition which is a violation of this article and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.

Exterior property means open space on the property and on any adjoining property under the control of owners or operators of such property.

Extermination means the control or eradication of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

Family. An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Garbage shall also mean Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Graffiti means images or letters scratched, scrawled, painted or marked in any manner on property, which is unsightly and unwanted by the property's owner or occupant.

Handbill means any printed or written matter any sample, device, dodger, circular, leaflet, sampler, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature, political or nonpolitical, for profit or nonprofit, for commercial or noncommercial purposes not included in the definitions of "newspaper" except the word "handbill" shall not include any notice or any document relating to legal proceedings, court proceedings, or action of any government agency including Newton County.

Hazardous means a condition which is a violation of this article and which Code Enforcement has determined to be likely to result in the death, injury or illness of a human or in severe damage to real or personal property.

Hazardous refuse means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

Heavy vehicle or equipment. See "commercial, industrial or heavy vehicles or equipment", defined herein.

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 solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following

manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Infestation means the presence of insects, rodents, vermin or other pests within or contiguous to a structure or property.

Inoperable or Junk vehicle means any automobile, vehicle, trailer of any type, or any parts thereof, which is an inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, discarded, or which does not have a valid license plate where required and/or it is incapable of movement by its own power, or it remains in place for a period of more than seven days.

Intended means: 1. the purpose, operation and/or arrangement for which something has been designed or built; or 2. the purpose, operation and/or arrangement for which something is currently safely and legally being used.

Interested parties means: (a) owner; (b) those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia; (c) those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; (d) any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of an easement or right-of-way whose interest is properly recorded which interest shall remain unaffected; and (e) persons in possession of said property and premises.

Junk shall mean any used and discarded or abandoned materials or articles including, but not limited to, boats, trailers, machinery, equipment, appliances, house furnishings, structures, recreational equipment, building materials and debris, vehicle parts, rimless tires, the scrap and parts thereon and any other article or material which has been discarded and is not generally useable for the purpose for which it was manufactured.

Junkyard includes land on which two or more junk vehicles are parked, standing or allowed to remain.

Litter means all garbage, 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 Article.

Litter receptacle means a container for the disposal of litter of not more than 60-gallon capacity; provided that garbage containers or other waste containers serving single-family or multifamily residences are not included in this definition.

Newspaper means any newspaper of general circulation, any newspaper duly entered with the U. S. Postal Service Department of the United States in accordance with federal statute or regulation, and, in addition thereto, means and includes any periodical or magazine regularly published with not less than four issues per year and sold or distributed to the public.

Nonresidential structure means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

Occupant means any person, over one year of age, living, sleeping, cooking, eating or having actual possession of a dwelling unit.

Operator means any person who has charge, care or control of a dwelling, building, or structure, or part thereof, in which dwelling units are let.

Owner means any person, firm, corporation or entity who, alone or jointly or severally with others:

- (a) Has legal title to any property, dwelling, dwelling unit, building, or structure, with or without accompanying actual possession thereof; or
- (b) Has charge, care or control of any property, dwelling, dwelling unit, building, or structure, as owner or agent of the owner, prime tenant, real estate agent, mortgagor, bank, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article to the same extent as the owner.

Park means a park, reservation, playground, beach, recreation center, or any other public area in Newton County, owned or used by Newton County, and devoted to active or passive recreation.

Property means any lot, unit or parcel of land inclusive of any dwelling, building, structure or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure or improvement located thereon.

Public authority means any housing authority officer or any officer who is in charge of any department or branch of the government of the county or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings or structures in Newton County.

Public officer shall mean the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers.

Public record shall mean deeds, mortgages and other instruments of record relating to land titles.

Rat control shall mean block sanitation, distribution of rat poison, and/or the setting of rat traps or such other methods recommended by a licensed pest control operator, as may be approved to control the rat, rodent and/or vermin population.

Rat harborage means any condition under which rats, rodents and/or vermin may find shelter or protection and shall include any construction or condition which permits the entrances of rats into any business building.

Rat-proofing shall mean collectively a form of rat-proofing, rodent-proofing, and vermin-proofing which will prevent the ingress of rats into business buildings through the exterior walls, ground, or first floors, basements, roofs, sidewalk gratings, sidewalk openings, foundations, and other places that may be reached and entered by rats climbing, burrowing, or otherwise. The material to be used for rat-proofing shall include cement concrete, brick masonry laid in cement concrete mortar, sheet metal, 24 or 26-gauge wire cloth of not less than 19-gauge having a mesh not larger than three-eighths of an inch. All material for rat-proofing shall be of such strength and thickness as to be impervious to rat gnawing. Windows and

other openings for light or ventilation that may be reached or entered by rats shall be covered with wire cloth screen incorporated in a metal frame conforming to the above gauge and dimensions. All exterior doors shall be protected against the gnawing of rats by the use of materials prescribed above. When closed, all exterior doors shall have a maximum clearance between doors, door sills and jambs of not exceeding three-eighths of an inch.

Recreational vehicle means any vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use that either has its own motorized power or is mounted on or drawn by another vehicle. This shall include, but not be limited to, travel trailers, camping trailers, truck campers, and motor homes. This shall also include boats, personal watercraft, wave runners, all-terrain vehicles, trailers of any type, or school buses. Recreational vehicles are not permitted to have attachments such as stairs, steps, handrails, porches, decks and the like.

Refuse means all putrescible and nonputrescible solid wastes except body wastes, including garbage, rubbish, ashes, residue from street cleaning and solid market and industrial wastes.

Regular mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular mail shall also include post cards and postal cards.

Resident means any person residing in Newton County on or before the date on which the alleged nuisance arose.

Residential structure means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a dwelling, home, residing place, and living space or sleeping space for one or more human beings, either permanently or transiently.

Residential district or *residential property* or *residential-zoned property* means property approved for residential use according to the Newton County Zoning Ordinance, as it may be amended from time to time.

Responsible person means an owner, operator, and/or a person or persons designated in this article as being responsible for meeting the standards of this article.

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

Rooming house shall mean any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or occupant to three (3) but not more than twenty (20) persons who are not related by genetics, adoption or marriage.

Rooming unit shall mean any room or group of rooms within a dwelling used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust or other similar materials.

Safe means a condition that is not likely to do harm to humans or to real or personal property.

Sanitary means the absence of a condition that is conducive to the spreading of disease or illness, or conducive to harboring insects, rodents or other pests.

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

School bus means any public or private school bus that is being operated as a school bus in Newton County.

Code Enforcement officer means the Newton County Code Enforcement Officers or any public officers. This term is synonymous with "public authority" and "public officer" for purposes of this article.

Signature means the handwritten or electronically generated name of a person or a facsimile thereof found on a document.

Structure means anything constructed or placed upon or within a property which is permanently or temporarily affixed to the property and which is supported by the ground or another structure, including but not limited to, garages, carports, sheds, racks, and swimming pools, but not including a currently operable and non-affixed licensed vehicle, trailer or recreational vehicle.

Structural alterations shall mean any change in the supporting structural members of a building such as load-bearing walls, joists, columns, beams or girders, except repair or replacement of supporting structural members.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing and clothing, appliances, equipment, machinery or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Unfit for human habitation means designation of dwellings or dwelling units as so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public and which are condemnable. This term shall specifically include, but not be limited to, dwellings or dwelling units that lack basic sanitation such as connection to public water and sewer or septic necessary for supply of potable water.

Unsafe means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.

Vehicle means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

Vermin means rodents, birds and insects that are destructive of real or personal property or injurious to health.

Vintage car means a car or light truck more than 20 years old that is in good operating and cosmetic condition or in the process of being restored to good condition.

3. Painting of Boarded Openings. All boarded openings shall be painted with a minimum of one coat of exterior paint which is of a dark gray or similar earth color or a color compatible with the exterior color of the building or structure.

4. Garages. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked with the existing garage lock or a newly installed one. In an attached garage it is acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-four lumber through the overhead mechanism on the inside of the door. The two-by-four shall be long enough to go through both sides of the mechanism or shall be nailed in place on the inside so that it cannot fall out. Secondary garage entrances to the outside of the garage shall be secured with strong-backed plywood as described for windows above. Access doors between the house and attached garage need not be boarded. Detached garages shall be secured as separate structures. Access shall be provided by padlock as described for doors above.

B. Alternative Methods of Securing a Building. Notwithstanding subsection (A) of this section, the building official may approve alternative methods of securing doors, windows or other openings of any building or structure. In making the determination to approve any alternative method, the building official shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

12-108 **SWIMMING POOLS**

Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any property. All swimming pools shall have a four-foot barrier around the pool in accordance with the requirements of the Newton County Board of Health Regulations for Swimming Pools, Public Spa Pools and Bathhouses, and Appendix G of the Newton County Swimming Pool Fencing Requirements.

12-109 **OUTDOOR STORAGE**

There shall not be maintained on a property any used or damaged lumber, junk, trash, garbage, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and/or any item, which is either in a partially rusted, wrecked, junked, dismantled, abandoned, discarded or inoperative, as well as damaged outdoor furniture, household furniture, stove, refrigerator, freezer or other appliances intended for indoor use, sink, toilet, cabinet or other household fixtures and/or yard waste, and which is not completely enclosed within a building or dwelling. Nothing herein shall preclude the storage of stacked firewood for use on the property. This section shall not apply to construction sites or licensed businesses for which all applicable permits have been issued by the county and such storage is compliant with all other applicable rules and regulations.

12-110 **TREES AND SHRUBS**

No tree, shrub or other vegetation shall block safe vision on a sidewalk, drive or road.

12-111 **GRASS, UNDERBRUSH OR WEEDS**

It shall be unlawful for any person to maintain, cause or permit uncut grass or weeds to grow to a height greater than 10" above ground on any property on which is located a residential dwelling or commercial

Enforcement officer, in his/her discretion, deems essential. Failure to obey an order of the Code Enforcement officer after a given date for compliance shall constitute a violation of the division.

B. Duties of occupants of business buildings.

The occupants in charge of any business buildings or property on which a business building is located in Newton County shall at all times comply with the following regulations:

- (1) Store all garbage in a rat-proof metal container or other type approved by the Code Enforcement officer, pending removal of such garbage;
- (2) Keep business buildings and property on which a business building is located free of trash, debris, rubbish, salvage or similar materials which provide nesting places and harborage for rats; and
- (3) Maintain such buildings and/or property on which a business building is located in a rat-free condition by pursuing a program of rat proofing.

C. Duties of owners and occupants of dwellings.

Owners and occupants of dwellings in Newton County shall at all times comply with the following regulations:

- (1) Every owner of a dwelling containing two dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and the property on which the dwelling is located.
- (2) Every owner or occupant of a dwelling or dwelling unit shall maintain in a condition not conducive to rat infestation those parts of the dwelling, dwelling unit, and property thereof that he occupies and controls.
- (3) Every occupant of a dwelling or dwelling unit shall store and dispose of all his/her rubbish in a clean, sanitary and safe manner.
- (4) Every owner or occupant of a dwelling or dwelling unit shall store and dispose of all his/her garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner. All garbage cans and refuse containers shall be rat-proofed, insect-proofed, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean sanitary condition. Plastic bags may be used as garbage and refuse container liners but shall not be used without the container for on-site storage of garbage or refuse. Other types of containers meeting the requirements of this article may be specifically approved by the Code Enforcement officer.
- (5) Bulk storage containers which are used for the storage of garbage, refuse, and/or other putrescible waste shall be placed on concrete platforms which are constructed to minimize spillage onto the adjacent areas.
- (6) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.
- (7) Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two-family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

(8) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of rats on the property, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(9) No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials, if any, must be stacked neatly at least 18 inches above the ground.

(10) No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its property. Materials stored by the owner shall be stacked neatly at least 18 inches above the ground.

(11) No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.

(12) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

D. Maintenance of rat-proofing.

(1) The occupants of all rat-proofed buildings are required to maintain the property in a rat-proofed condition and to repair all breaks that may occur in the rat-proofing, unless such breaks develop as the result of natural deterioration of the building.

(2) It shall be unlawful for the occupant, owner, contractor, public utility company, plumber, or other person to remove the rat-proofing from any building for any purpose and fail to restore same in satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats.

E. Performance of rat-proofing.

The owner of any business building in complying with the provisions hereof relative to rat-proofing, and the occupant of any business building in pursuing a program of rat control may do the work himself; or may engage a contractor to do the work or may have the work performed by the employment of such labor and the purchase of material as may be necessary.

F. Inspections.

The Code Enforcement officer is hereby authorized to make inspection of all buildings and property in Newton County for the purpose of determining the conditions as to rat-proofing and rat infestation where there is reasonable cause for the Code Enforcement officer to believe that rat, rodent, or vermin infestation or harborage exists. All owners and occupants of buildings and property shall permit such inspection when requested by the Code Enforcement officer.

A. Unfit dwellings and buildings defined.

Any dwelling or building which has any or all of the following defects shall be deemed unfit for human habitation and subject to condemnation by the County:

- (1) Any dwelling or building whose walls or vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members.
- (2) Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40 percent damage or deterioration of the non-supporting, enclosed, or outside walls or covering.
- (3) Any dwelling or building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Any dwelling or building which has been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants.
- (5) Any dwelling or building which has parts thereof which are so attached that they may fall and injure persons or property.
- (6) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level, whether such unobstructed egress is at ground level or via steps to ground level.
- (7) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.
- (8) Any dwelling or building which does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold-water supply pipes and the sewer system, and which connection is actively providing a potable water supply.
- (9) Any dwelling or building which does not have an installed tub or shower and lavatory properly connected to hot and cold-water supply pipes and sewer system, and which connection is actively providing a potable water supply.
- (10) Any dwelling or building which does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, and which connection is actively receiving a water supply so as to allow a toilet to be flushed.
- (11) Any dwelling or building which does not have installed and operational (i.e., electricity running through the lines) electric lighting facilities installed and functioning in accordance with the minimum requirements of the National Electric Code.

B. Renting an unfit dwelling or building.

It shall be unlawful for any owner or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building or rooming unit which is unfit for human habitation for any reason set out in this article, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building or rooming unit unsafe or unsanitary or dangerous. Any person shall have 72 hours or three business days (in the case of office closure) after execution of said lease to rescind it by providing said notice in writing to the landlord that the dwelling or building has been discovered to be unfit as described in this division.

C. Persons occupying dwellings or buildings.

The number of persons occupying any dwelling unit, notwithstanding the definition of "dwelling unit" set forth in this article, shall be limited by the following additional requirements: The total of all habitable

rooms in a dwelling or building shall be such as to provide at least 390 square feet of total building square footage (as determined and maintained in the records of the Newton County Board of Tax Assessors) per each adult occupant thereof. Any floor space under a ceiling less than five feet high shall not be counted.

D. Rooming houses.

If the use is allowed in the zoning district, no person shall operate a rooming house or shall let to another for occupancy any room, unless such rooming house or room complies with the following requirements:

- (1) Each rooming house and room shall be in compliance with the minimum standards set forth in section 12-118-A, subsections (1) through (7), and (11), and section 12-118-C of this article.
- (2) Each rooming house shall be equipped with at least one flush water closet, one lavatory, an installed tub or shower for each five persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system as required by section 12-118-A.
- (3) Each flush water closet, lavatory, tub, or shower required above, shall be located within the rooming house, in a room, or rooms, which:
 - a. Affords privacy.
 - b. Is accessible by a common hall without going outside the rooming house.
 - c. Is accessible by a common hall without going through sleeping quarters of others.
 - d. Is not more than one story removed from the room of an occupant intended to share the facilities.

ARTICLE II. LITTER CONTROL AND SOLID WASTE MANAGEMENT

12-201 PURPOSES

The Board of Commissioners of Newton County, a political subdivision of the State of Georgia, enact and adopt this ordinance in order to protect the public health, safety and welfare of the citizens of Newton County, to protect the environment, to enhance the physical quality of life in Newton County, and to contribute by these efforts to improving the quality of life in Georgia and enhancing the natural beauty of our State and County by establishing minimum standards for the storage, collection, transportation and disposal of solid wastes that originate in Newton County, or which originate outside of Newton County but are stored, transported or disposed of within Newton County, and by establishing the mechanism by which these standards are enforced.

12-202 DEFINITIONS

A. General.

Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. 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 "shall" is always mandatory. The word "may" is permissive and is not mandatory. The "Board of Commissioners" refers to the Board of Commissioners of Newton County, Georgia.

B. Specific Definitions.

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

Biomedical Wastes means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, and other such waste materials.

Business 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 business operations.

Code Enforcement Officer means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Article.

Compactor means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.

Composting means the controlled biological decomposition of organic matter into a stable, odor free humus.

Construction/Demolition Wastes means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.

Construction/Demolition Waste Landfill means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

Convenience Center means a designated location where members of the public may dispose of solid waste subject to the restrictions set forth in this Article. Waste collected at Convenience Centers will be periodically hauled to a landfill.

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

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage shall also mean Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Hazardous Waste means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 1992, codified as Appendix VIII to 40 C.F.R. Part 261 - Identification and Listing of Hazardous Waste.

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 solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

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

Landfill, Sanitary means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

Litter means all garbage, 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 Article.

Parking Lot means (a) an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles; (b) any commercial parking lot or garage; and (c) the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

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.

Putrescible Waste means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes which are contaminated by such wastes.

Recycling means any process by which material which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Sharps means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

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, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and 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 material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Management Authority (SWMA) means the public authority activated by the County pursuant to O.C.G.A. § 12-8-50 et seq. and provided with certain solid waste management responsibilities by the County.

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 solid waste materials.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing and clothing, appliances, equipment, machinery or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Yard Trimmings means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

C. Classification of Solid Wastes.

1. Accepted Solid Wastes-Compactors. The following types of solid wastes shall be classed as "domestic solid wastes" and shall be accepted for disposal in compactors or dumpsters:

- (a) Garbage in garbage bags.
- (b) Household trash in garbage bags.

2. Accepted Construction/Demolition Wastes Landfill. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:

- (a) Construction/demolition wastes.
- (b) Other types of non-putrescible solid wastes.

3. Accepted Solid Wastes-Sanitary Landfills. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:

- (a) Garbage
- (b) Household trash
- (c) Business trash
- (d) Rubbish
- (e) Litter, and
- (f) Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.

4. **Non-Accepted Solid Wastes.** The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:

- (a) Some types of industrial waste
- (b) Hazardous wastes
- (c) Junked vehicles

5. **Recyclables.** Materials for recycling may be separated for storage at each disposal site.

12-203

Public Collection and Disposal

A. Public Compactors at Convenience Centers.

1. The Solid Waste Management Authority may designate areas in the County where Convenience Centers, intended to be for public use, are located and maintained. These Convenience Centers shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.

2. It shall be unlawful for any person to place or deposit any garbage, refuse, litter, household trash or other material of any kind at a Convenience Center without authorization.

3. It shall be unlawful to place or deposit industrial waste or construction/demolition wastes at a Convenience Center.

4. It shall be unlawful to place or deposit any hazardous solid wastes of any kind at a Convenience Center.

5. It shall be unlawful for any person to dispose of or discard at a Convenience Center any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

6. No combustible liquid shall be placed or deposited at a Convenience Center. Non-Combustible Liquids are also prohibited unless they are solidified so that they cannot pass through a paint filter.

7. No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited at a Convenience Center.

8. It shall be unlawful to place or deposit any garbage or household trash at a Convenience Center without first placing and securing such in a garbage bag of suitable strength and thickness. Objects which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.

9. It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to a Convenience Center compactor, unless otherwise directed by on-site staff, and except that recyclable materials may be placed in designated containers where provided. Any person using a compactor shall clean up any spills caused by his use of the compactor and shall not drop or discard any garbage or household trash in the area surrounding the compactor.

10. Dead or live animals shall not be placed or deposited at a Convenience Center.

11. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.

B. Public Construction/Demolition Wastes Landfill and Sanitary Landfill.

1. The County, with or through the SWMA, may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of Municipal Solid Waste Landfill.
2. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Newton County Sanitary Landfill.
3. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
4. The County or SWMA may restrict certain sites or portions thereof to a specific type or types of solid wastes. The County or SWMA may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
5. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the SWMA.
6. Residents of the County and businesses located in Newton County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the SWMA, in accordance with the regulations for the particular site and under the instruction of the site attendant.
7. Municipalities located within Newton County may use the public landfills upon the payment of applicable fees, if any, established by the SWMA.
8. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Board of Commissioners through amendment of this Article or adoption of superseding regulation.
9. Authorized public disposal sites shall be operated on the days established from time to time by the SWMA. During the hours designated by the SWMA, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
10. No person shall enter a disposal site, including any Convenience Center, except during the hours and days prescribed by the SWMA. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

C. Unauthorized Use of Identification Devices to Deposit Solid Waste.

The SWMA may designate a schedule of fees for use of the Convenience Centers and public landfill, and may issue identification devices (e.g., vehicle hang tags) for demonstrating that the requisite fees have been paid. It shall be unlawful:

1. to duplicate an identification device;
2. to engage in unauthorized use of an identification device (unauthorized use includes, if an identification device has been sold for individual household use, use by any person not part of the household that purchased the device); or
3. to lend, rent, or otherwise make an identification device available to another for unauthorized use.

Violations of this section may be punished to the maximum extent permitted by law.

12-204 Private Collection and Disposal

A. Private Collectors.

It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Newton County Business License. This provision includes the collection or transportation of solid waste by an individual

for his or her neighbors. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.

B. Private Landfills.

1. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Newton County Business License.
2. No permit shall be issued by Newton County until the applicant has shown, to the satisfaction of the Board of Commissioners and the SWMA, that all Federal, State and County regulations and ordinances will be complied with in the operation and management of the landfill, waste disposal area, or waste storage area, and that the location of said landfill, waste disposal area, or waste storage area is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Newton County.
3. No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Newton County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the landfill, waste disposal area, or waste storage area is to be located, the names of the owner or owners of such property, the names of the operator or operators of the landfill, waste disposal area, or waste storage area, and a description of the types of waste to be handled at said facility.
4. It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
5. The Board of Commissioners hereby designate its Code Enforcement Officer as its designee who shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Article and all other pertinent laws and regulations of the County.

12-205

Private Litter Control

A. Commercial Establishments.

1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide solid wastes containers of that character, size, number and type as may be specified by the Board of Commissioners or its designee to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.
2. All commercial and industrial establishments shall store their solid wastes in containers as specified in this Article so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization shall include solid wastes receptacles, bulk containers and detachable containers. Any spillage or overflow shall be immediately cleaned up by said establishment.
3. Bulk containers shall be locked at all times and posted with signage notifying the general public that said containers are for the private use of the establishment.

B. Loading and Unloading Areas.

All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be determined by the County or its designee, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. The occupant of the premises shall maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

C. Parking Lots.

1. All parking lots and establishments with parking lots shall provide solid wastes receptacles. The County or its designee shall have the authority to determine the number and types of receptacles necessary to provide proper containerization, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.
2. It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
3. The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.

D. Construction Sites and Demolition Sites.

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be determined by the size of the job, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

E. Residences and Private Properties.

1. All owners or occupants of property shall maintain their property in litter-free condition.
2. Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Article or by placing in proper containers in a suitable place readily accessible to

sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed from the curb no later than twenty-four (24) hours after the scheduled pickup time and placed within the buildable area of the lot, but not between the front yard and the street.

3. No person shall sweep into or deposit in any street or sidewalk accumulation of litter and/or garbage from any building or property.

12-206

Practices and Procedures

A. General.

1. The following practices and procedures shall be employed by persons in Newton County in order to facilitate the collection of solid waste:

(a) **Solid Wastes.** All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.

(b) **Garbage.** All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.

(c) **Household Trash.** Household trash may be combined with other bagged garbage.

(d) **Injurious Trash Items.** All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

2. **Dumping Unlawful.** 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 solid wastes on any road or street or any public or private property in the County, unless:

(a) The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.

3. **Public Streets and Private Property.** No person shall place any accumulations of solid wastes and trash in any street, median strip, alley or other public place of travel, nor upon any private property except with the written consent thereof, and then only in accordance with the provisions of this Ordinance.

4. **Blockage of Drainage.** No person shall place any solid wastes, trash, solid wastes 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.

5. **Unauthorized Storage.** Any accumulation of solid wastes 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 solid wastes after appropriate notice from the Board of Commissioners or its designee shall raise the presumption that such person intended to violate this Ordinance.

6. **Appliances.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in Official Code of Georgia Annotated § 16-11-100.

7. **Use of Streets.** It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing or falling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.

8. **Junk.** It shall be unlawful for any person to place or leave outside any building or dwelling, any machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

(a) **Scavenging.** No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.

(b) **Scattering of Solid Wastes and Littering.** It shall be unlawful for any person to: (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property; (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

B. Contagious Disease Solid Wastes.

The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Newton County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.

C. Hypodermic Instruments.

No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.

D. Hazardous Waste and Industrial Waste

No hazardous waste or Industrial Waste shall be placed in any receptacle at any time. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.

E. Yard Trimmings.

Yard trimmings shall be composted on the owner's premises in conformity with this ordinance and any applicable state law or removed by the owner of the property and disposed of in a manner approved by this ordinance. This part shall not require the removal of wood cut and stored for later use as firewood. All cut firewood shall be stacked in a compact manner with individual pieces touching. Firewood stored on the property for personal use shall be located in the side or rear yard.

F. Trees, Shrubbery Branches, Etc.

Tree and shrubbery branches, limbs and trimming cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be composted on the owner's premises in

conformity with this ordinance and any applicable state law or collected and removed by those who have performed the work or shall be removed by the person for whom the work was performed.

G. Leaves.

Leaves shall be composted on the owner's premises in conformity with this ordinance and any applicable state law or removed by the owner of the property and disposed of in a manner approved by this ordinance.

H. Receptacles and Containers.

1. Every person in possession, charge or control of any building or from which business trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.

2. All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.

I. Household Furniture and Furnishings.

Property owners, themselves or using public or private haulers, shall remove normal household furniture and appliances, including sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters, and similar items.

J. Cardboard Boxes and Cartons.

Prior to depositing solid wastes for collection in authorized containers or receptacles or in commercial containers, the person disposing of any such boxes or cartons or the person in charge of the premises shall collapse all cardboard boxes and cartons.

K. Covered Trucks.

All persons who desire to haul solid wastes over roads which are a part of County or state road systems shall use a vehicle provided with a cover and operate it so as to prevent solid wastes from being dropped, blown, or spilled therefrom. Any vehicle operated by a commercial hauler and any vehicle of one (1) ton or greater capacity shall be equipped with a cover, securely fastened, adequate to prevent solid wastes from being dropped, blown or spilled therefrom.

L. Maintenance.

It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

M. Burning.

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal except leaves, trimmings and the like may be burned if a burn permit is first obtained from GA Forestry Commission and weather conditions are favorable; however, no burning shall be allowed within a mobile home park. This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from the Board of Commissioners, and the incinerator is operated and maintained in compliance with all applicable regulations.

N. Handbills and Advertising Matter.

The distribution of information such as public announcement, political endorsement, opinions, invitation, solicitations, and commercial advertisements is an activity protected by both the U.S. Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.

1. Unless otherwise prohibited by state or federal law, it shall be lawful to place on any automobile in the County any handbill, circular, pamphlet, poster, or other literature so long as the same is secured so as to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, it shall be lawful for any person to place on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, so long as the following conditions are met:
 - (a) Such publications and materials may be placed in a box provided for that purpose, secured to a door knob or placed in a secure area of a building such as a door jamb or screen door; or
 - (b) Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials "sweeps" the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as "sweeping." Any papers distributed and not "Swept" from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
3. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he/she does not wish to receive such publications at a particular street address, continued delivery of publication directly to said property by the publisher or his/her agents shall constitute a violation of this ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.
4. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way or in any means erect said signs within the public right-of-way.

O. Dead Animals.

1. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40- 16-2; or the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., as applicable.

2. The term "dead animals" means the carcasses, parts of carcasses, effluent, or blood of farm livestock, including poultry and equines, except where dead animals are found within the rights-of-way of all highways within the state maintained either totally or in part with state funds, in which case "dead animals" means the carcasses or parts of carcasses of all animals, regardless of whether they are considered to be farm livestock, poultry, equines, domesticated animals, pets, or any other type of animal and includes all such animals regardless of the cause of death of such animals.

3. Acceptable methods for disposal of dead animals are burning, burial, or rendering. It is the duty of the Georgia Department of Transportation to remove and dispose of dead animals found with the rights-of-way of state highways. Where dead animals are found outside the rights-of-way of state highways, no person shall dispose of a dead animal by burial or burning on the land of another without the permission of the owner of the land. Arrangements for proper burial or burning must be made with an appropriate County official prior to disposal of a dead animal in a County Sanitary Landfill.

P. Abandoned Motor Vehicles.

It shall be unlawful to abandon any motor vehicle as provided in Official Code of Georgia, § 40-11-1. Any motor vehicle abandoned within the County shall be disposed of by the proper authorities as provided in Official Code of Georgia Chapter 40 11 1 et seq.

1. Unregistered and unlicensed motor vehicles.

No person shall park or permit any other person to park any motor vehicle, except a motor vehicle parked within an enclosed building, on any property that is zoned residential or its primary use is residential, if the vehicle:

- (a) Is unregistered; or
- (b) Has expired registration; or
- (c) Does not have a lawful license plate or lawful temporary tag, which plate or tag is currently registered to that vehicle displayed thereon.

2. Inoperable vehicles.

(a) No owner or occupant of any property shall park any inoperable vehicle or permit any other person to park any inoperable vehicle on the owner's or occupant's property for more than 7 days, unless the inoperable vehicle is parked within a carport or enclosed structure. This section does not apply to property for which the zoning code permits the storage of junk vehicles outside an enclosed building in connection with some commercial enterprise.

(b) No person shall park any inoperable vehicle upon any public or private road or other public property.

(c) This section shall not apply to an inoperable vehicle that is used for instruction at an educational institution licensed under state school laws.

3. Junk vehicles prohibited.

(a) It shall be unlawful for any person to maintain and/or keep any junk vehicle on any property adjoining or abutting any public or private road, street or other public or private property within the unincorporated portions of the County, and visible from such public or private road, street, way, or other public or private property, unless the junk vehicle is parked within an enclosed structure, which meet all applicable building codes and other ordinance requirements. This section does not apply to property for which the zoning code permits the storage of junk vehicles outside an enclosed building in connection with some commercial enterprise.

(b) No person shall park a junk vehicle upon any private or public road or other public property.

4. Major overhaul.

(a) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on property in a residential zone, unless:

- (1) The person performing the overhaul is the occupant of the property;
- (2) The person performing the overhaul is the owner of the vehicle; and
- (3) The work is done inside a garage or enclosed structure, structure, which meet all applicable building codes and other ordinance requirements.

(b) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on any property in a business, commercial or industrial district, unless the overhaul is performed at an approved licensed and properly zoned establishment.

5. Recreational vehicles.

(a) In residential districts, one recreational vehicle may be parked within the buildable area of the lot but shall not be parked or project between the principle structure or the street, or shall be stored in an enclosed building, provided said structure meet all other applicable ordinances. It shall be unlawful to park recreational vehicles in the front yard of any residential district.

(b) Additionally, in residential districts, recreational vehicles may be parked to the rear and sides of a dwelling.

(c) No such recreational vehicles may have attachments, such as stairs, steps, handrails, porches, decks and the like.

6. Commercial, industrial or heavy vehicles and equipment.

(a) It shall be unlawful to park or, caused to be parked, any commercial, industrial, or heavy vehicles or equipment on residentially zoned property unless otherwise permitted by the County.

(b) Subsection (a) shall not apply to any vehicle that is temporarily parked or left standing clearly for the purpose of loading or unloading, provided that the vision of traffic is not obstructed.

For the purposes of this subsection, a reasonable amount of time shall be allowed for loading and unloading, the amount of which is to be determined according to the nature and extent of the loading and unloading operation.

(c) Subsection (a) shall not apply to any vehicle or equipment that is reasonably needed and exclusively used for an approved agricultural purpose on the agricultural-zoned parcel on which it is stored, provided that such vehicles and equipment are not within 100 feet of a public road right-of-way.

(d) Subsection (a) shall not apply to a single roll-off bin or a single dumpster when used in conjunction with an approved permit for the construction, remodeling or demolition of a structure. Such use, however, must be temporary and closely correspond to the construction, remodeling or demolition schedule. Such use shall be expressly for the collection of construction debris, and at no time shall sanitary waste be dumped into said container. For any construction in which a permit is not required, the containers mentioned above shall not be on the property for a period not to exceed 30 days maximum.

Q. Composting.

Composting is an acceptable means of handling yard trash, tree and shrubbery trimmings, leaves, grass clippings or other organic wastes produced by landscaping and lawn maintenance activities. Composting shall be performed in a manner to minimize offensive odors and prevent escape of wind-blown litter from the compost site. Composting activities shall be conducted so as not to constitute a nuisance to neighboring property owners.

R. Lead Acid Vehicle Batteries.

No person shall place or dispose of a lead acid vehicle battery in any compactor, dumpster, or landfill located in Newton County, Georgia, or otherwise discard or dispose of a lead acid vehicle battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle batteries.

S. Motor Oil.

No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Newton County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.

T. Recyclable Material.

The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.

U. Biomedical Wastes.

All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

12-207

Community Health and Welfare

A. Declared Nuisances.

Within the County, it shall be unlawful for any person to create a nuisance on his property or property occupied by him, or to allow a nuisance to remain on his property or property occupied by him. Dead

animals, stagnant water, decayed vegetables or fruits, filthy privies or unkept stables or anything having an offensive odor, or anything that causes injury or damage to the health or life of any other person, are declared nuisances.

B. Trash and Weeds.

1. Within the County, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or causes injury to neighboring property. Drive-in restaurants and other food establishments that permit carry-out food service shall maintain at all times on their premises sufficient receptacles for the disposal of trash, garbage and miscellaneous solid wastes.

2. Within the County, it shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property on which is located a residential dwelling or commercial establishment or vacant dwelling or establishment intended for such use under such circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitute a fire hazard.

12-208

Enforcement

A. Enforcing Officers.

1. The Board of Commissioners or its designee shall hire employees of the County to serve as their designee and to oversee all matters concerning the enforcement of this Ordinance, to be known as the Code Enforcement Officers.

2. The Code Enforcement Officers, shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this Ordinance. Such citation shall be on a form approved for such use by the Board of Commissioners and shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the County who completes and serves it.

B. Rebuttable Presumptions.

1. Whenever solid waste 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. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.

2. Whenever any solid waste 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 letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.

3. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance.

C. Penalties.

1. Pursuant to O.C.G.A. §§ 36-1-20, any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by one or more of the following:

- (a) By a fine of not less the one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00);
- (b) By imprisonment for a period of not more than 60 days;
- (c) 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 street or highway or public right-of-way for a distance not to exceed one (1) mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence;
- (d) 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 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; and
- (e) The court may publish the names of persons convicted of violating this Ordinance.

D. Court Proceedings.

- 1. Violations of this Ordinance shall be tried upon citations and may be tried with or without a prosecuting attorney as well as upon accusations. The District Attorney may serve as prosecuting attorney.
- 2. Violations of this Ordinance shall be tried in the Magistrate Court of Newton County, Georgia, and shall be tried in accordance with the Official Code of Georgia, Chapter 15-10.
- 3. Nothing in this Article shall prevent the Board of Commissioners from bringing any civil action for injunction, mandamus or other proceedings to prevent, 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. A continuing violation shall constitute a separate offense for each day during which such violation continues.

12-209

YARD TRIMMINGS DISPOSAL

A. Yard Trimmings Disposal Regulations

1. Definitions.

Commercial Solid Waste. All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.

Composting. The controlled biological decomposition of organic matter into a stable, odor free humus.

Leachate Collection System. A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Municipal Solid Waste. Any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard

trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Disposal Facility. Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal Solid Waste Landfill. A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Yard Trimmings. Leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

2. Placement and Disposal of Yard Trimmings: Prohibitions.

- a. It shall be unlawful to place or mix yard trimmings with municipal solid waste within Newton County.
- b. Yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within Newton County.

3. Penalties.

Any person violating this Section shall be punished as provided in Article II, Section 12-208(C) of this Code.

ARTICLE III. ABATEMENT OF A NUISANCE PROPERTY

12-301 PURPOSE AND AUTHORITY

This Article is intended to provide additional enforcement authority to the County in accordance with the abatement of nuisance provisions set forth in O.C.G.A. § 41-2-1, et seq. The remedies provided in Article III are in addition to those remedies available to the County for violations of the article under section 12-104. It is intended that violations of this Article shall be addressed according to section 12-104 as a general matter, and that only those properties that fail to come into compliance and which constitute a nuisance as such is defined by state law and under the terms of this division will require resort to the enforcement remedies provided in Article III.

A. The County intends that this division shall comport with, and be susceptible to enforcement under, O.C.G.A. § 41-2-7, et seq. Pursuant thereto, it is found and declared that there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety, and welfare of the people of this County; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings or structures. It is further found and declared that where there is in existence a condition or use of property which renders adjacent property unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of this County and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent property unsafe or inimical to safe human habitation.

B. Such dwellings, buildings, and property may be deemed unfit due to the following reasons; dilapidation and not in compliance with applicable codes; defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; properties that have an

accumulation of weeds, trash, junk, filth, and/or other unsanitary or unsafe conditions which create a public health hazard or a general nuisance to those persons residing in the vicinity; other conditions resulting in a violation of this article which renders such dwellings, buildings, or property unsafe, unsanitary, dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the County; or vacant, dilapidated dwellings or buildings in which drug crimes are being committed.

12-302

ENFORCEMENT

A. Designation of Public Officers.

The Director of the Development Services Department, the Water Resources Manager, the Newton County's Code Enforcement and their designees are all designated and appointed to exercise the power presented by this Ordinance.

B. Powers of Enforcement Authorized.

The Public Officer is hereby authorized to exercise such power as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A § 41-2-8 to § 41-2-17, including the following additional powers:

1. To investigate the dwelling conditions in the unincorporated area of the County in order to determine which dwellings, buildings, structures, or properties therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and shall follow applicable due process of law;
4. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this Ordinances;
5. To delegate any of his/her functions and powers under this Ordinance to such officers and agents as he may designate; and
6. To consult with any engineers or other qualified professionals in carrying out the functions and powers of this Ordinance.

C. Standards for Determining Violation.

The Public Officer may determine, under existing ordinances, that a dwelling, building, structure, or property is unfit for human habitation or is unfit for its current residential, commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, structure, or property which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, structure or property; of the occupants of neighborhood dwellings, buildings, structures or properties; or of other residents of Newton County, Georgia; such conditions may include the following (without limiting the generality of the foregoing):

1. Defects increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects;
6. Uncleanliness;

7. Tall grass and weeds which indicate long-term neglect, abandonment or vacancy;
8. Improperly maintained swimming pools which indicate long-term neglect, abandonment, or vacancy; and
9. Dwellings, buildings or structures that have been burned and left unrepaired.

12-303

Complaints relating to unfit dwellings or structures.

A. Whenever a request is filed with Code Enforcement by a public authority or by at least five residents of the County charging that any dwelling or building is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; or is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Code Enforcement officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.

B. If the Code Enforcement officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with commission of drug crimes; or constitutes an endangerment to the public health or safety as the result of unsanitary or unsafe conditions, the Code Enforcement officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building or structure.

C. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the actions sought by the Code Enforcement officer to abate the nuisance. The summons shall notify the interested parties that a hearing will be held before the Magistrate Court at a date and time certain and at a place within the County where the property is located. Such hearing shall be held not less than 15 days, nor more than 45 days after the filing of said complaint in the Magistrate Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.

12-304

Service of complaints.

A. Complaints issued by the Code Enforcement officer pursuant to this division shall be served in the following manner. At least 14 days prior to the date of the hearing, the Code Enforcement officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by First Class Mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.

B. For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the legal organ in which the County's advertisements appear in Newton County once a week for two consecutive weeks prior to the hearing.

C. A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in Newton County at the time of filing the complaint in the Magistrate Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

D. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

12-305

Order of the court.

If, after notice and hearing as provided above, the Magistrate Court determines that the dwelling or building under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use; or is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall issue an order that states in writing its findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing, an order as follows:

A. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner within the time specified in the order, to repair, alter or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation, and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

B. If the repair, alteration or improvement of the said dwelling, building or structure cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.

C. For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination.

The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia Appraiser classification as provided in O.C.G.A. tit. 43, ch. 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alternation, or improvement of the structure shall be the costs necessary to bring the structure into compliance with the applicable codes relevant to the cited violations enforced in the jurisdiction.

12-306

Failure to comply with order of the court.

If the owner fails to comply with an order of the court to repair, alter, improve, remove, close, or demolish the dwelling, building or structure, the Code Enforcement officer may cause such dwelling, building or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The Code Enforcement officer shall cause to be posted on the main entrance of the dwelling, building or structure a placard with the following words: "This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in

connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this dwelling, building or structure is prohibited and unlawful".

12-307 Salvage of reusable materials.

If the Code Enforcement officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any money shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid, according to O.C.G.A. § 41-2-9(a)(6). The Code Enforcement officer and Board of Commissioners are relieved of any and all liability resulting from, or occasioned by, the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials consistent with O.C.G.A. § 41-2-9(a)(6).

12-308 Lien on property.

A. The cost of repairing, altering, improving, removing, closing or demolishing the dwelling, building or structure incurred by the Code Enforcement officer in accordance with exercising his/her authority as described in this Article, including all court costs, appraisal fees, administrative costs incurred by the Newton County Tax Commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court of Newton County and shall relate back to the date of the filing of the lis pendens notice required in this article. The clerk of superior court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior and shall continue in force until paid.

B. Upon final determination of costs, fees and expenses incurred in accordance with this section, the Code Enforcement officer shall transmit to the Newton County Tax Commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the Code Enforcement officer shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the County Tax Commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including, specifically, O.C.G.A. tit. 48, ch. 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The County Tax Commissioner shall remit the amount collected to the Newton County Board of Commissioners.

C. Enforcement of liens pursuant to this section may be initiated at any time following receipt by the Newton County Tax Commissioner of the final determination of costs. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this section.

D. The redemption amount in any enforcement proceeding pursuant to this article shall be the full amount of the costs as finally determined in accordance with this section, together with interest, penalties, and costs incurred by the County and the Newton County Tax Commissioner in the enforcement of such lien. Redemption of property from the lien may be in accordance with O.C.G.A. § 48-4-80 and § 48-4-81.

E. This section is intended to adopt and be consistent with O.C.G.A. § 41-2-9(b).

12-309 **Waiver of lien.**

The County may waive and release any lien imposed on property if the owner of such property enters into a contract with the County agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

12-310 **Appellate review.**

Review of the Magistrate Court's order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the Newton County Superior Court according to O.C.G.A. § 5-3-29.

12-311 **Summary proceedings.**

Nothing in this Article shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise when, upon a majority vote of the Newton County Board of Commissioners, the County determines that a nuisance exists and the repair, alteration, improvement, removal, closing or demolition will not exceed \$1,000.00.