

Chapter 58

SOLID WASTE ORDINANCE

Article I. In General

Sec. 58-1	Purpose.
Sec. 58-2	Short title.
Sec. 58-3	Definitions.
Sec. 58-4	Enforcing officers.
Sec. 58-5	Penalty.
Sec. 58-6	Court proceedings.
Sec. 58-7	Severability.
Sec. 58-8	Repeal of conflicting ordinances.
Sec. 58-9	Existing Business Compliance
Sec. 58-10	Property / Land Requirements and Restrictions.
Sec. 58-11	Variance / Waiver.
Sec. 58-12	Permitting and Fees.
Sec. 58-13	Reserved.

Article II. Litter Control

Sec. 58-33	General prohibitions.
Sec. 58-34	Public dumpsters.
Sec. 58-35	Scavenging.
Sec. 58-36	Private litter control.
Sec. 58-37	Reserved.

Article III. Solid Waste Management

Sec. 58-61	Collection; permit required; exception.
Sec. 58-62	Private landfills.
Sec. 58-63	Public landfills.
Sec. 58-64	Transporting garbage in a manner likely to create hazard to the public health, safety or well-being prohibited.
Sec. 58-65	Applicability of article provisions.
Sec. 58-66	Prohibited acts.
Sec. 58-67	Prohibited waste.
Sec. 58-68	Materials destined for recycling.
Sec. 58-69	Permit by rule of collection, transportation and disposal.
Sec. 58-70	Biomedical waste.
Sec. 58-71	Asbestos.
Sec. 58-72	Liquid waste restrictions at sanitary landfills.
Sec. 58-73	Reserved.

Article IV. Classification of Refuse for Disposal

Sec. 58-103	Domestic refuse.
Sec. 58-104	Industrial waste.
Sec. 58-105	Building materials.
Sec. 58-106	Reserved.

Article V. Abandoned Motor Vehicle

- Sec. 58-124 Unlawful; disposal by county.
- Sec. 58-125 Abandoning vehicle on public property prohibited.
- Sec. 58-126 Abandoning on property adjacent to or abutting a public road.
- Sec. 58-127 Disposal at dumpster or landfill.
- Sec. 58-128 Enforcement.
- Sec. 58-129 Reserved.

SOLID WASTE ORDINANCE

ARTICLE I. IN GENERAL

Sec. 58-1. Purpose.

The Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, hereby enacts this article in furtherance of its responsibility to protect the public health, safety, and well-being of the citizens of Fannin County, Georgia, and to protect and enhance the quality of the environment., to institute and maintain countywide rules and regulations controlling the spread of litter and to establish rules and regulations concerning solid waste management to assume that solid waste systems, whether privately or publically operated, do not adversely affect the health, safety, and well-being of the public and do not unduly degrade the quality of the environment.
(Ord. of 4-24-1990, art. I)

Additionally, the Board of Commissioners of Fannin County desire to make it known that the business and operation of Solid Waste Facilities and Properties is appreciated and acknowledged as a public service and legitimate business and further desires to encourage their enterprise while establishing these requirements for operation and establishment.

Sec. 58-2. Short title.

This chapter shall be known and may be cited as "The Solid Waste Ordinance of Fannin County, Georgia."
(Ord. of 4-24-1990, art. III)

Sec. 58-3. Definitions

When used in this chapter, the following words and phrases shall have the meaning given in this situation.

General. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes the 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 term "commissioners" refers to the board of commissioners of Fannin County, Georgia. Reference is made herein to EPD definitions listed in EPD Section 391-3-4-.01 for further clarification and additional definitions. This Ordinance shall supersede any definition conflicts or changes.

Abandoned Property means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements shall include, but not be limited to, wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, lawnmowers, washing machines, plumbing fixtures, furniture and any other similar articles.

Asbestos means any naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite.

Bailing means a volume reduction technique whereby solid waste is compressed into bales.

Building materials means any material such as lumber, roofing material, brick, concrete block, plaster, gutter, sand, gravel or other substance used in the repair or alteration of existing buildings, or the demolition of existing buildings.

Buffer means a landscaped, open space and / or screen located between incompatible land uses for the purpose of blocking visible clutter, light, glare, noise, odor or similar separating uses through distance. That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from a common property line and extended to the developed portion of the property. A buffer consists of trees, shrubs, fencing, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossing.

Collector means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste, from industries, office, retail outlets, businesses, institutions, and/or similar locations, from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting wastes from his/her own single-family dwelling unit.

Composting means the controlled biological decomposition of organic solid waste.

Construction/ demolition waste means the waste building material and rubble resulting from the construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to wood, bricks, metal, concrete, asphalt, wall board, paper and cardboard.

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

Designated River Corridor in Fannin County means the Toccoa River, which is a water supply watershed protection area and is protected by the State of Georgia (see Chapter XI of the Land Development Ordinance for Fannin County).

Designated Streams in Fannin County means all streams (see Chapter IX, "Water Supply Watershed Protection" of the Fannin County Land Development Ordinance).

A disposal facility means any facility or location where any treatment, utilization, purchase, sale, processing or deposition of solid waste occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Disposal operation means the performance of solid waste disposal which includes administration, personnel, land, equipment, design and other elements necessary or used in the work of solid waste disposal.

Disposal Site means the location where the final deposition of solid waste occurs.

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

Fence means an enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees or other natural growth.

Fence – Solid means a fence including operable entrance and / or exit gates where access opening appear, through which no visual image can be seen.

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

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

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

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 attended to housekeeping.

Incineration means the controlled process by which solid, liquid and gaseous combustible wastes are burned and changes into gases and residue produces which are relatively free of combustible materials.

Industrial waste means all waste, including solid, semisolids, sludge's and liquids, created by factories, processing plants or other manufacturing enterprises.

Inter waste landfill means a disposal site accepting only wastes that will not or are not likely to cause the production of leachate of environmental concerns. Such wastes are limited to dirt and dirt-like products, concrete, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes industrial and demolition waste.

Infectious waste means all biomedical wastes as defined in section 58-70.

Junk shall include, but not be limited to, lawnmowers, old and dilapidated automobiles, trucks, tractors and any other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, wiring, bottles, glass, computers, iron, machinery, rags, paper, mattresses, beds, or any other kind of scrap or waste material which is stored, kept, handled or displayed within County limits.

Junk vehicle includes an automobile, vehicle, trailer of any kind or type, or mechanical contrivance of part thereof, which is inoperative or junk condition by reason of its having been wrecked, dismantled or partially dismantled, inoperative, and which does not have a valid license plate; or which has been abandoned or discarded according to the definition of abandoned motor vehicle set forth in Official Code of Georgia Annotated, section 40-11-1. For the purpose of this definition, a vehicle is inoperative if it is incapable of movement by its own power, or if it remains in place for a period of more than seven days, and in neither case is within a carport or parking way and driveway.

Junk / Salvage Yard means any property involving the abandonment, parking, storage, purchase, sale or disassembly of junked or inoperable vehicles or junked machinery. The abandonment, storage, sale, or resale of used auto parts, tires, scrap metal, metal, used plumbing fixtures, kitchen equipment, used brick, wood, any other building material, structural material, used paper, rags or any other scrap material. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Landfill means any facility where any treatment, utilization, processing, storage, purchase, sale or deposition of solid wastes occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Landfill Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

A leachate mean a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.

Leachate collection system means a system at a sanitary landfill for collecting the leachate which may percolate through the wastes and into the soil surrounding the landfill.

Liner means a continuous layer of natural or manmade materials, beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste, solid waste constituents, or leachate.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbat, 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 the chapter.

Monofill means a method of solid waste handling that involves the burial of one waste type or waste having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.

Nuisance means anything that meets the definition of the term as defined by O.C.G.A. 41-1-1 and which occurs during or as the result of the handling or disposing of solid waste.

Open dump means a disposal site at which solid waste from one or more source is consolidated and left to decompose burn or otherwise create a threat to human health or the environment.

Operator means the person having direct supervision of the daily field operations of a disposal site to insure that the site operates in compliance with the permit.

Permit means the authorization necessary to begin an activity under the provisions of this Ordinance.

Person means Fannin County or any agency or institution thereof, and any municipality, political subdivision, public or Private Corporation, special district empowered to engage in solid waste management activities, individuals, partnership, association or other entity in Fannin County. This term also includes any officer or governing or managing body of any municipality, political subdivision, special district empowerment in solid waste activities, or public or Private Corporation in Fannin County, Georgia, or any other county.

Processing operation means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

Public or private property means the right-of-way to any road, street, or highway; and any body of water or water source or the shores or beaches therefore; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.

Putrescible wastes means wastes that are capable of being quickly decomposed by micro organisms. Examples of putrescible wastes include, but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Pyrolysis means the chemical decomposition of a material by heat in the absence of oxygen.

Reclamation means the controlled method of sorting and storing materials from solid wastes for future use in accordance with a procedure approved by the office of the board of commissioners.

Recycling means any process by which reclaimed materials or other materials which out otherwise become solid waste would be collected, separated, or processed and reused or return to use in the form of raw materials or products.

Recycling Center / Recycling Processing Center means any facility utilized for the purpose of collecting, sorting, purchase, sale, storing and / or processing materials to be recycled, including but not limited to, plastics, glass, paper, and all metal materials. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Recycling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

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 wastepaper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material, and similar material.

Sanitary landfill means a disposal site where putrescible solid wastes are disposed of by means of placing an earth cover thereon.

Sanitary landfilling means an engineered method of disposing of putrescible solid wastes on land by spreading them in thin layers, compacting them to the smallest practical volume, placing an earth cover there on and such other measures as are necessary to protect human health and the environment.

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

Secondary metals recycler means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of preparing grades and having an existing or potential economic value. Secondary metals recyclers shall be also governed by Senate Bill 82 effective, as Passed, on July 1st, 2009.

Shredding means the process by which solid waste is cut or torn into small pieces for final disposal or further processing.

Solid waste means putrescible and nonputrescible wastes, except water-carried body waste and materials destined for recycling and shall include garbage, rubbish (paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, crockery or dunnage), ashes, street refuse, dead animals, sewage sludge, animal manure, industrial waste (waste materials generated in industrial operations), residue from incineration, food processing wastes, demolition wastes, abandoned automobiles, dredging wastes, construction wastes, and any other waste material in a solid or semisolid state not otherwise defined herein.


Solid waste handling means the storage, collection, transportation, purchase, sale, treatment, utilization, processing, or disposal of solid wastes, or any combination thereof.

Solid waste handling facility means any location where any storage, collection, transportation, treatment, utilization, processing, purchase, sale or disposal of solid waste, or any combination thereof occurs. Any person, facility or business that engages in any, some or all of these activities as the primary means of use on that property or premises shall be acting and deemed to be a Solid Waste Handling Facility and shall, therefore, be governed by this Ordinance and shall be required to obtain a permit to function as such.

Solid waste handling permit means written authorization granted to a person by the office of the Board of Commissioners to engage in solid waste handling.

Solid waste management act or the act, wherever referred to herein, means O.C.G.A. 12-8-20.

Special solid waste means any solid waste not otherwise regulated under the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq., and regulation promulgated thereunder or originating or produced from or by a source or generator not subject to regulation under O.C.G.A. 12-8-27(g).

 *Transfer station* means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal site or processing operation.

Uppermost aquifer means the geologic formation nearest the natural ground surface this is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility property boundary. (Ord. of 4-24-1990, art. IV)

Wrecked Motor Vehicle Compound means an area used to store disabled vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle or his / her legal representative.

Sec. 58-4. Enforcing officers.

- (a) Any law enforcement personnel employed by the Fannin County sheriff's department shall be empowered to enforce the provision of this Ordinance.

- (b) The Board of Commissioners hereby names the employee of Fannin County who holds the title of solid waste management supervisor, Land Development Officials or Planning Commission members to serve as its designee for the purpose of reporting on and / or enforcing the provisions of said Ordinance.
- (c) The duly authorized designees of the board of commissioners, said person being the solid waste management supervisor or Land Development officials together with any law enforcement officer of the Fannin County sheriffs department, shall be authorized to issue citations to violators of any provision of the subject ordinance, or to the owner or any other persons who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this chapter. The form of said citation is attached hereto as "Exhibit A" and/or the Uniform Traffic Citation, by the adoption of the resolution from which this section is derived, approved by the Fannin County Board of Commissioners.

CITATION ISSUED IN VIOLATION OF "THE SOLID WASTE
ORDINANCE" of FANNIN COUNTY, GEORGIA

Citation #: _____
Date Issued: _____

Citation Issued to:

NAME: _____

Address: _____

VIOLATION: _____

HEARING:

A hearing on this matter has been scheduled for _____ at
_____ M., in the Magistrate Court for Fannin County, Georgia, at the Fannin
County Courthouse, West Main Street, Blue Ridge, Georgia.

A copy of this citation was served on _____

() the accused

() Adult at the home of the accused by the undersigned.

Date of Service: _____

Time of service: _____

Signature of person achieving service

(Ord. of 4-24-1990, § 9.0; Res. Of 10-13-1992)

Sec. 58-5. Penalty.

1. Any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished as follows:
2. By fine of not less than \$410.00 and not more than \$1,000.00, per day and/or by imprisonment in the Fannin County jail for a period not to exceed 60 days or both.
3. 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 mile, any litter disposed thereon by anyone else prior to the date of the execution of sentence; or
4. In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he/she has deposited thereon by anyone prior to the date of execution of sentence.
5. Records of conviction for violation of this chapter shall be a matter or public record
6. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his/her future appearance (Ord. of 4-24-1990, § 9.1).
7. Upon determination, by the Fannin County Board of Commissioners, that a violation is occurring or has occurred, a notice will be delivered to the violating business, in writing. If the violation(s) are not corrected within Thirty (30) days from the date of the warning, penalties shall begin to accrue.

Sec. 58-6. Court proceedings.

- (a) Violations of this Ordinance shall be tried upon citations or accusations as described in section 58-4(d) and may be tried with or without a prosecuting attorney as well as upon accusation. The court attorney or another attorney designated by the board of commissioners shall serve as prosecuting attorney.
- (b) Violations of this Ordinance shall be tried in the magistrate court of Fannin County, Georgia, and shall be tried in accordance with the Official Code of Georgia, chapter 15-10.
- (c) Nothing in this article shall prevent the board of commissioners from bringing any civil action for injunction, mandamus or other proceedings to present, correct, or abate any violation of this Ordinance. No sanction, penalty or

remedy prescribed herein shall be considered exclusive of any other remedy by law.

- (d) Each violation of this Ordinance shall constitute a separate offense.
(Ord. of 4-24-1990, § 9.2)

Sec 58-7. Severability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared invalid for any reason, the remainder of the said chapter shall not be affected thereby.

(Ord. of 4-24-1990, § 10.0)

Sec. 58-8. Repeal of conflict ordinance.

All ordinance and parts of ordinances in conflict with this Ordinance are expressly repealed.

(Ord. of 4-24-1990, § 10.1)

Sec. 58-9. Existing Businesses Compliance

All solid waste areas, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations and solid waste transfer stations which are in existence in Fannin County prior to the enactment date of this Ordinance are required to and shall comply with all items within the following subsections of Sections 58.10: (4), (5), (7), (8), (9), (11), (12), (15), (16), (17) and (18), of this Ordinance within Twelve (12) months of the effective date of the enactment of this Ordinance.

Sec. 58-10. Property / Land Requirements and Restrictions

All new or applying solid waste areas, junkyards, salvage yards, used auto parts yards, secondary metal recyclers, recycling centers, transfer stations and solid waste transfer stations which are seeking location in Fannin County after the enactment date of this Ordinance are required to and shall comply with all items within Sections 58.10.

(1) **Location**

1. No property for this intended use shall be located 1) within five hundred (500) feet of a residential, commercial, retail, medical or educational use / area 2) on a hill / mountain crest, 3) within one thousand (1000) feet of a designated river corridor, 4) within one thousand (1000) feet of the designated Highway 515 development corridor or 5) within two thousand (2000) feet of a designated stream or body of water.
2. EPD guidelines for similar business adjacencies to designated rivers, steams and bodies of water shall govern.

(2) **Minimum and Maximum Lot Size**

1. Property for this intended use shall be limited to be no smaller than five (5) acres and be no larger than twenty-five (25) acres in each instance.

(3) Minimum Building Size

1. A minimum required building area of 10 Gross Square Feet (GSF) per acre shall be provided and shall meet applicable building codes.

(4) Setbacks

1. Front, rear and side yard setbacks for all operation of the business, including but not limited to storage, parking, office, loading / unloading and material handling area(s) shall be fifty (50) feet from all adjacent property lines and roads and shall be in addition to any required easement and / or right-of-way setback requirement(s).
2. Compacting, crushing or any similar operation shall be setback no less than fifty (50) feet from all adjacent property lines and roads and in addition to any required easement and / or right-of-way setback requirement(s) and shall be conducted on an impervious surface with spill containment, treatment and reclamation provisions.
3. Fencing requirement(s) shall be permitted, as required, along property lines and along any required easement and / or right-of-way setback requirement(s).
4. No parts of the facility operations, loading / unloading or storage of materials or scrap shall occur outside of these required setbacks or required fencing. Violation of this article, by the business operator or its customers, shall be grounds for a warning and daily penalties.

(5) Height Restrictions

1. Maximum scrap / material stacking, equipment or building height shall be twenty five (25) feet as measured from the finish grade at each location.
2. All OSHA requirements for working above grade shall be followed.

(6) Acceleration and Deceleration Lanes

1. Property shall be designed with appropriate acceleration and deceleration lanes per Georgia Department of Transportation Code from public right-of-way on any State Highway or any two-lane, paved or gravel, County Roadway.

(7) Natural Green / Evergreen Tree Buffer

1. Property development shall include a Twenty (20) foot wide, solid, Ten (10) foot tall (at time of installation) solid, natural Green / Evergreen Tree Buffer within the designated Setback area outside designated fenced areas or shall be fenced as required by this Ordinance.

(8) Parking Area(s) for Employees and Customers

1. Parking area(s) shall be provided at four (4) spaces per acre for the purpose of material drop-off and an additional one (1) space per 100 GSF of office area for business (including required ADA space(s)). One parking area is intended to be the sole staging or cueing area for the loading and unloading area and employee and customer parking.
2. Parking area(s) shall be designed by a registered and qualified civil engineer or geologist and meet applicable Georgia Department of Transportation,

Accessibility and Parking Standards, including proper signage and stripping (if paved).

3. Parking area(s) shall be screened from the public right-of-way and public view by fencing (see fencing section).
4. Parking area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
5. All parking area(s) shall be shown on the site plan for permitting.

(9) Loading and Unloading Area(s)

1. Loading and Unloading area(s) shall be provided in addition to the parking area(s) and be of sufficient area and radius to accommodate intended vehicles.
2. Loading and Unloading area(s) shall be screened from the public right-of-way by fencing (see fencing section).
3. Loading and Unloading area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
4. Loading and unloading area(s) shall be shown on the site plan for permitting.
5. Any mud or debris coming from the business onto Public roadways from Trucks or cars exiting the property shall be cleaned, at the business owner's expense, from Public roadways.

(10) Storm Water Retention / Detention Area(s)

1. A Hydrology report, detailing the seasonal depth to groundwater, shall be submitted with the application to permit.
2. Adequate Storm Water Retention / Detention area(s) shall be designed by a registered and qualified civil engineer or geologist per Georgia Code.
3. Storm Water Retention / Detention Area(s) shall be shown on the site plan for permitting.
4. All retained or detained storm water shall be treated and maintained to comply with the Georgia Clean Water Discharge Act.

(11) Fencing and Screening

1. The perimeter of said area(s) used for any and all purposes described in this Ordinance, running along property lines / setbacks or easements shall be provided with a visually solid, screening-type fence to a height of ten (10) feet or shall be provided with the Natural Green / Evergreen Tree Buffer as required by this Ordinance.
2. The required fence shall be constructed of materials, means and methods so as to provide a permanent, solid (top to bottom), structurally stable and attractive screen for the operations and materials contained within the property.
3. The required fence shall be maintained by the Owner to be kept free from visible penetrations or damage as seen from the exterior.
4. The required fence shall be of such a height so as to screen stored, handled and loaded / unloaded materials and parking areas from view from the outside adjacent property owners, public right-of-way(s) and property owners that have visual access to the property within a two hundred (200) foot radius from all property lines. However, no fence shall be required to be above ten (10) feet tall.
5. Fence design and engineering shall be submitted for review and approval prior to permit approval.

(12) Hours of Operation

1. Exterior, uncontained, noise-generating business operations shall not be limited to the hours of operation but may be restricted if deemed a public nuisance by the Fannin County Board of Commissioners.
2. Hours of said operations shall be posted at the access point(s) to the property.
3. A Building Permit, Site Plan, Inspections and a Certificate of Occupancy shall be required and obtained for these types of Businesses prior to beginning operations.

(13) Ground Water and Soil Testing

1. Prior to permitting, the Owner shall submit a baseline ground water and soil report, prepared by a registered and qualified engineer or geologist, to document existing conditions on the property.
2. Owner shall secure and present a ground water and soil testing report, prepared by a registered and qualified engineer or geologist, every six (6) month on the anniversary of the Certificate of Occupancy to quantify changes, if any, from the existing condition.
3. The Owner shall provide adequate ground cover vegetation or other ground water and soil protection measures as required by Georgia code to protect adjacent properties from contamination.

(14) Soil Erosion

1. In addition to required soil erosion precautions required during construction, the Owner shall provide adequate ground cover vegetation or soil erosion measures as required by Georgia and County code to protect adjacent properties from contamination and erosion.

X (15) Fuels and Flammables

1. All materials intended for loading, unloading, storage or handling shall be free of fuels and flammable liquids.
2. Hazardous and other chemicals shall be promptly stored, labeled and certified for removal or recycled to comply with applicable environmental and safety regulations as instructed and regulated by the Georgia Environmental Protection Department (EPD) and the Federal Environmental Protection Agency (EPA).

X (16) Odors

1. Properties found to be contributing to an uncontrolled festering of odors shall be subject to penalties.

(17) Rodent and Varmints

1. Stagnate Water shall not be allowed to accumulate.
2. Properties found to contribute to an uncontrolled festering of rodents and / or varmints shall be subject to penalties.

(18) Fire Suppression Access and Resources

1. Property shall be designed to accommodate Fire Department Vehicles ingress / egress, turning radii, drive aisles and property access per NFPA, State and local Codes.
2. Fire Suppression access area(s) shall be designed by a registered and qualified civil engineer per Georgia Code.

3. Fire Suppression access area(s) shall be shown on the site plan for permitting.
4. Fire Extinguishing Resources (Water, etc.) shall be designed and provided on site as determined by local fire management professionals.

Sec. 58-11 Variance / Waiver.

1. A variance and / or waiver to any of the requirements and restrictions of Section 58.10 may be requested. The process for applying for said variance and / or waiver shall be to submit said request to the Fannin County Board of Commissioners, in writing, 30-days prior to any action. The Fannin County Board of Commissioners shall have time to review, discuss, visit and make recommendation. The Fannin County Board of Commissioners shall grant, deny or amend the recommendation and shall pass final judgment and all requested variance and / or waiver.

Sec. 58-12 Permitting and Fees.

1. All new businesses being defined within this Ordinance shall apply to the Fannin County Land Development Department for a permit to operate said business within Fannin County.
2. The application for permit shall include a site plan showing all requirements and restrictions listed in Section 58-10, erosion and sediment control plan, a location showing the surrounding one radius mile area, an EPD approved plan of operation and identification of compliance with any EPD requirement.
3. A Fee of \$ 250 per acre shall be assessed to process, review and evaluate the permit application. This Fee shall be refunded if permit is denied and is applicable upon application of new businesses, any new locations or expansion of any existing business.

Sec. 58-13 Reserved.

ARTICLE II. LITTER CONTROL

Sec. 58-33. General Prohibitions.

(a) Dumping on public or private property prohibited; exceptions. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in Fannin County, unless:

- (1) The property is designated by the state of Georgia or Fannin County or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property.
- (2) The litter is placed into the litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter; or
- (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in manner consistent with the public welfare.

(b) *Public streets and private property.* No person shall place any accumulations of litter or household trash in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent of the owner thereof, and then only in accordance with the provisions of this chapter.

(c) *Blockage of storm drains or draining ditches.* No person shall place any refuse, trash, refuse receptacles, or containers on, over, or near any storm drain or draining ditch, or so close thereto as to cause such material to interfere in any way with such drainage.

* (d) *Unauthorized storage.* Any accumulation or refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by the chapter is hereby declared to be a nuisance. Failure of the owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the commissioner of his/her designee shall raise the presumption that such person intended to violate this chapter.

(e) *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other containers which has an airtight snap lock or similar device without first removing therefrom the lock or door. This section shall not apply to any appliance, refrigerators or containers which have been placed adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

(f) *Transportation of loose materials.* It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle, provided that the transported materials present a danger of falling from the vehicle. This section shall apply to the transportation of any garbage, refuse, litter, household trash or other material of any kind to any disposal site, which includes but is not limited to any dumpster or sanitary landfill. This section shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock.

(g) *Accumulation of used tires.* No person shall accumulate used vehicle tires in such a manner as to pose a danger to the public health, safety and welfare. Any used tires accumulated on site shall be kept dry, covered and free from mosquitoes and other flying, disease spreading insects. Tires of any description will not be placed in dumpsters under any circumstance. Tires will only be placed in the county landfill at designated locations.
(Ord. of 4-24-1990, § 5.0)

Sec. 58-34. Public dumpsters

(a) *Location.* The Board of Commissioners may designate areas in Fannin County where dumpsters, intended to be for public use, may be located and maintained. These dumpsters may be located on public property, along the right-of-way of public roads or streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and may 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 in minimal.

(b) *Use by Fannin County residents; unlawful deposits; signs.* It shall be unlawful for any person or persons of Fannin County, Georgia, to place or deposit any garbage, refuse, litter, household trash or other material of any kind, not generated within the boundaries of Fannin County, Georgia, in these dumpsters. There shall be located on each dumpster a placard or sign, or a placard or sign shall be posted in an area near a dumpster, visible to persons depositing garbage, stating that said dumpsters are solely intended for the use of residents of Fannin County, Georgia, and that it is unlawful to deposit any thing other than garbage or household trash therein.

(c) *Industrial waste, building materials and commercially collected garbage.* It shall be unlawful to place or deposit industrial waste or building materials or commercially collected garbage in public dumpsters unless they are specifically designated for such use by the board of commissioners or its designee.

(d) *Hazardous refuse.* It shall be unlawful to place or deposit any hazardous refuse of any kind in the dumpsters.

(e) *Hospitals and health care units.* All used hypodermic needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. Once used, hypodermic needles should be put into a puncture resistant container for disposal by the on-site incinerator at the Fannin Regional Hospital.

(f) *Ashes.* Ashes deposited in the dumpsters shall not be permitted.

(g) *Combustible liquids.* No highly combustible liquid shall be placed or deposited in the dumpsters.

(h) *Noxious or toxic materials.* 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 Fannin County, or which would pose a danger to the wildlife of the county, shall be placed or deposited in the dumpsters.

(i) *Garbage or trash to be bagged.* It shall be unlawful to place or deposit any garbage or household trash in the dumpster 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 ordinary and intended use thereof shall be wrapped or protected so that the bag shall remain intact.

(j) *Placement of trash on ground adjacent to container.* It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the dumpster or in any location other than the dumpster. Any person using the dumpster shall clean up any spills caused by his / her use of the dumpster and shall not drop or discard any garbage or household trash in the area surrounding the dumpster. A fine of One Hundred Dollars (\$100) shall be assessed if convicted for each first time offense.

(k) *Dead animals.* Dead animals shall not be placed or deposited in the dumpster.

(Ord. of 4-24-1990, § 5.1)

Sec. 58-35. Scavenging

It shall be unlawful for any person to scavenge, disturb, or in any way interfere with the contents of any public dumpster or any public landfill or public waste disposal area.

(Ord. of 4-24-1990, § 5.2)

Sec. 58-36. Private litter control.

(a) Every owner, occupant, tenant and lessee using or occupying any commercial, institutional, or industrial building or property shall be obliged, jointly and severally, to provide litter containers of the character, size, number and type as may be required to hold litter generated by operations of the premises. Specifically, and without limiting the generality of the foregoing, the requirements 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 or property thereof.

(b) Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the Board of Commissioners, or its designee, to contain the litter generated by the operations of that parking lot.

(c) Property owners and prime contractors in charge of a construction site shall be jointly and severally required to furnish litter containers for discarded building materials and other construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.

(d) The owner, occupant, and lessee of all property, jointly and severally, are required to remove all litter and place the same in proper containers, and vacant lots, boarders, parking lots, embankments, fencing, walls and sidewalks shall be kept free of litter by those persons. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

(Ord. of 4-24-1990, § 5.3)

Sec. 58-37 Reserved.

Article III. Solid Waste Management

Sec. 58-61. Collection; permit required; exception.

It shall be unlawful for any person to collect refuse within the County except for his / her own residence, business or individual plant, without first having obtained a proper permit for the Georgia Department of Natural Resources and without first having obtained a Fannin County Solid Waste Business permit from the Land Development Office of Fannin County, which is governed by this Ordinance.

(Ord. of 4-24-1990, § 6.0)

Sec. 58-62. Private landfills.

(a) Permits required; application. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used by the owner or used by others for the disposal or storage of waste without first having filed the proper application for a special use permit with the Fannin County Board of Commissioners. The owner of any landfill must also obtain a proper permit from the Department of Natural Resources Environmental Protection Division, Chapter 391-3-4, Solid waste management.

(b) Issuance of permit; compliance with federal, state and county laws. No permit shall be issued by Fannin County until the applicant has shown, to the satisfaction of the Board of Commissioners or its designee, 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 locations of said landfill, waste disposal area, or waste storage area is such that there is no or minimal detriment to the environment, including, but not limited to, noxious odors, runoff, or contamination of surface water and groundwater, to that the maximum protection is afforded to the health, safety and well-being of the citizens of Fannin County.

(c) Maintenance of site. 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.

(d) Inspections by County. The Board of Commissioners shall designate County employees and its designees 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 Fannin County. (Ord. of 4-24-1990, §6.1)

Sec 58-63. Public Landfills.

(a) Location; compliance with federal and state laws. Fannin County, through the Board of Commissioners, may operate and maintain public landfills located on County owned or leased property and in compliance with all applicable state and federal laws and regulations.

(b) Directional Signs to be posted. Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location of the Fannin County Sanitary Landfill.

(c) Maintenance; opening of new sites. Such sites shall be maintained while in use until permanently closed, at which time additional authorized sites shall be opened and publicized by posting notices and through public advertisements.

(d) Restrictions on types of refuse. The Board of Commissioners may restrict certain sites or portions thereof to a specific type or types of refuse.

(e) Commercial collections. Commercial collections, including yard maintenance men, may use the public designated sites.

(f) Fee. Residents of Fannin County, other than commercial collectors, may use public sites upon payment of a fee, if any, to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instructions of the site attendant.

(g) Refuse generated outside County. No refuse generated outside Fannin County will be accepted at any disposal site.

(h) Hours of Operation. Authorized public disposal sites shall be operated Monday through Saturday of each week, with the exception of holidays during the hours designated by the Board of Commissioners or its designee.

(i) Attendant required to be present; deposited material becomes property of the County. No person shall enter a disposal site except when an attendant is present and during the hours and days stipulated by the Fannin County Board of Commissioners. All material delivered and deposited in a disposal site shall immediately become the property of Fannin County.

Sec. 58-64. Transporting garbage in a manner likely to create hazards to the public health, safety or well-being prohibited.

No person shall engage in solid waste handling or transportation of garbage in a manner which will likely create a nuisance or litter the land, roads or streets of Fannin County; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the groundwater or surface water; impair the quality of the environment; or likely create other hazards to the public health, safety or well-being as may be determined by the Fannin County Board of Commissioners. (Ord. of 4-24-1990, § 6.3(1))

Sec. 58.65. Applicability of article provisions.

Provisions of this article shall apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling. (Ord. of 4-24-1990, § 6.3 (2))

Sec. 58-66. Prohibited acts.

The following acts are prohibited:

- (1) Burning. No solid waste may be burned at a solid waste handling facility, disposal site or processing operation.
- (2) Open Dump. No solid waste may be disposed of by any person in an open dump, nor shall any person cause, suffer, allow or permit open dumping on his property.

(Ord. of 4-24-1990, § 6.3 (3))

Sec. 58-67. Prohibited Wastes.

If, because of unusual physical or chemical properties, or geological or hydrological conditions, or for other reasons, the Fannin County Board of Commissioners finds that solid waste should be accepted at a solid waste handling facility, the Fannin County Board of Commissioners may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the originator of such waste for consideration of approval by the Fannin County Board of Commissioners, and the prohibition of such waste shall continue in effect until an acceptable procedure for processing of disposal has been developed and approved. (Ord. of 4-24-1990, § (6.3 (4))

Sec. 58-68. Materials destined for recycling.

- (a) Exemption from article requirements. Materials which are destined for recycling, including but not limited to glass, paper, metal, plastic, rubber are excluded from this article as solid wastes. To be considered exempt from this article, the material must be processed to recover the usable product, employed as an ingredient in an industrial process to make a product, or employed in a particular function or application as an effective substitute for a commercial product.
- (b) Materials accumulated speculatively. Materials accumulated speculatively are solid waste and must comply with all applicable provisions of this article.
- (c) Materials not accumulated speculatively. A material is not accumulated speculatively if the person accumulating it can show that during the calendar year (commencing on January 1) the amount of material that is recycled equals at least 60 percent by weight or volume of the material accumulated at the beginning of the period.
- (d) Proof of recycling. Proof of recycling shall be provided in the form of manifests, bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility from the accumulation point.

(Ord. of 4-24-1990, § 6.3 (5))

Sec. 58-69. Permit by rule for collection, transportation and disposal.

(a) Responsibility for collection. The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution or similar facility to a solid waste handling facility operating in compliance with this article unless arrangements have been made for such service with a collector operating in compliance with this article.

(b) Permit by rule. Notwithstanding any other provision of this article, the following collection, transportation, and disposal operations shall be deemed to have a solid handling permit if the conditions listed are met:


(1) Notification. Within 30 days of the effective date of the ordinance from which this article is derived or of commencing solid waste handling activities which are covered under a permit by ordinance, notification must be made to the Fannin County Board of Commissioners of such activity. Notification shall be made on such forms as are provided by the Fannin County Board of Commissioners. Persons failing to notify the Fannin County Board of Commissioners of such activities shall be deemed to be operating without a permit.

(2) Collection operations.

a. Vehicle construction. Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or rubbish containing such wastes, shall be covered, substantially leak proof, durable, and of easily cleanable construction.

b. Vehicle maintenance. Solid waste collection and transportation vehicles shall be cleaned frequently to prevent threats to human health and shall be maintained in good repair.

c. Littering and spillage. Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent the blowing or falling of material from the vehicle.

 d. Hazardous waste. No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act.

e. Wastewater from the cleaning vehicles. All wastewater from the cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.

f. Deposit in permitted handling facility. All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.

(3) Transfer Stations.

- a. Solid Waste to be confined to interior; maintenance. Solid waste shall be confined to the interior of the transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.
- b. Sewage solids excluded. Sewage solids shall be excluded from transfer stations and shall be transported directly to the disposal facility, disposal site or processing operation.
- c. Dust, odors, etc. Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
- d. Rodents, pests, etc. Rodents, insects and other such pests shall be controlled.
- e. Contaminated runoff washes water. Any contaminated runoff wash water shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by Fannin County Board of Commissioners.

(4) Hazardous waste.

- a. No person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste to be stored in or pass thru Fannin County without giving Thirty (30) day prior notice to the Fannin County Board of Commissioners so they may take action upon such matter prior to Hazardous waste being allowed into or stored in Fannin County.

(5) Inert waste landfill operation.

- a. Only dirt, concrete, rocks, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. No industrial or demolition wastes may be accepted.
- b. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- c. A uniform compacted layer of clean cover no less than one foot in depth shall be placed over all exposed inert waste material at least monthly.
- d. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- e. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
- f. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.

g. A uniform compacted layer of final cover not less than two feet in depth and a Vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.

h. Notice of final closure must be provided to the Fannin County Board of Commissioners within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of this article unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

(Ord. of 4-24-1990, § 6.4)

Sec. 58-70. Biomedical waste.

(a) *Defined.* Biomedical waste means and includes the following:

- (1) Pathological waste, which means all recognizable human tissues and body Parts which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.
- (2) Biological waste, which means bulk blood and blood products, exudates, Secretions, suctioning, and other bulk body fluids which cannot or are not directly discarded into a municipal sewer system.
- (3) Cultures and stocks of infectious agents and associated biologicals including Cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
- (4) Contaminated animal carcasses, body parts, their bedding, and other wastes from such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biologicals, or testing of pharmaceuticals.
- (5) A sharp, which 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.
- (6) Chemotherapy waste, which means any disposable material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or antineoplastic agents (agents that inhibit or prevent the growth and spread of tumors or malignant agents.) Such waste includes, but is not limited to, masks, gloves, gowns, empty IV-tubing bags and vials, and other contaminated materials. The above waste must first be classified as empty which means such quantity that it is not subject to other federal or state waste management regulations prior to being handled as biomedical waste.

- (7) Discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, that were in contact with infectious agents.

(b) Generation of biomedical waste.

- (1) This section shall apply to all facilities generating regulated quantities of biomedical waste, including but not limited to: clinics, dental offices, funeral homes, health maintenance organizations (HMOs), hospitals, laboratories, medical buildings, physicians offices, spas, veterinary offices, research and manufacturing facilities, nursing homes, and blood banks.
- (2) In no case shall a person be a generator of biomedical waste if those wastes are generated from single-family residential premises or a single-family dwelling unit and disposed of as residential solid wastes.
- (3) The importation for transfer, terminal storage or disposal of medical or biomedical or biohazardous waste within the geographic limits of Fannin County, a political subdivision of the State of Georgia shall be prohibited.

(c) Storage and containment of biomedical waste.

- (1) Containment of biomedical waste shall be in a manner and location which Affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
- (2) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
 - a. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent the leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
 - b. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak proof, rigid puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
- (3) Rigid containers of discarded sharps and all other disposable containers used for the containment of biomedical waste shall be red or orange in color or clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard."
- (4) Biomedical waste contained in disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, dumpsters, or portable bins. The containment

system shall have a tight fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.

- a. Reusable containers used for the shipment of biomedical waste to a treatment facility of a permitted sanitary landfill shall be thoroughly washed and decontaminated each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags, or other devices removed with the waste.
- b. Reusable pails, drums, dumpsters or bins used for the containment of biomedical waste shall not be used for other purposes except after being decontaminated by procedures as described in this subsection and after the universal biohazard symbol and word "Biohazard" are removed.

(d) Transfer of biomedical waste to off-site treatment or disposal facilities.

- (1) Any generator of biomedical waste shall transfer custody of the waste only to a collector who is operating under authority of this section.
- (2) Biomedical waste shall not be transported in the same vehicle with other solid waste unless the biomedical waste is contained in a separate, fully enclosed leak proof container within the vehicle compartment or unless all of the waste is to be treated as biomedical waste in accordance with the requirements of this chapter.
- (3) Biomedical waste shall be delivered for storage, including intermediate transfer, and treatment only to a facility or location for which there is a valid and appropriate operating permit as set forth in this section.
- (4) Surfaces of transport vehicles that have contacted spilled or leaked biomedical waste shall be decontaminated.
- (5) Packaged biomedical waste may not be compacted or shredded prior to delivery to the treatment or disposal facility unless such compaction or shredding is in conjunction with chemical or other treatment which renders the waste noninfectious.

Sec. 58-71. Asbestos

(a) Collection.

- (1) Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.

(2) Vehicles used to reduce waste volume by compaction shall not be used because containers may rupture.

(3) Vacuum trucks used to transport waste slurry must be constructed and operated to insure that water does not leak from the truck.

(b) Disposal.

(1) Asbestos waste is not allowed to be stored, disposed or contained in Fannin County.

(Ord. of 4-24-1990, § 6.6)

Sec. 58-72. Liquid waste restrictions at sanitary landfills.

One hundred eighty days after the effective date of the Ordinance from which this section is derived, the following restrictions will apply:

(1) Liquid waste, either bulk or containerized, shall not be placed in a sanitary landfill except as otherwise provided in this section.

(2) If liquid waste is demonstrated nonhazardous and is admixed with a bladeable material into a bladeable form, it is acceptable for disposal at a sanitary landfill with the concurrence of the sanitary landfill operator.

(3) Gas condensate and recirculated leachate disposal at sanitary landfills and Treatment Plants may be approved on a case-by-case basis by the Fannin County Board of Commissioners if sufficient evidence is provided to the Fannin County Board of Commissioners to warrant such disposal.

(Ord. of 4-24-1990, § 6.7)

Sec. 58-73. Disallowed Locations.

(a) No solid waste areas, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations, Construction / Demolition Transfer Station, Landfill and solid waste transfer stations or any other such business shall be located within 5,280 feet (one mile) of a School, Public Park, Childcare Facility, Hospital, Church, Residential Subdivision, designated Forest, Waterway or Scenic Landmark.

(b) Distance of 5,280 feet (one mile) shall be measured by the shortest distance from any point between properties.

Sec. 58-73 Reserved

Article IV. Classification of Refuse Disposal

Sec. 58-103. Domestic refuse.

The following types of refuse shall be classed as domestic refuse and shall be accepted for disposal:

- (1) Garbage.
 - (2) Business trash.
 - (3) Refuse.
 - (4) Household trash.
- (Ord. of 4-24-1990, § 7.0)

Sec. 58-104. Industrial Waste.

The following types of waste shall be classified as industrial waste and shall not be accepted for disposal:

- (1) Industrial waste.
 - (2) Hazardous refuse.
- (Ord. of 4-24-1990, § 7.1)

Sec. 58-105. Building materials.

Building materials, if presented to the county for disposal, may be accepted for disposal upon such terms and conditions as may be determined by the Board of Commissioners or its designee and specific locations within the landfill may be designated for the disposal of building materials.

(Ord. of 4-24-1990, § 7.2)

Sec. 58-106 Reserved.

ARTICLE V. ABANDONED MOTOR VEHICLES

Sec. 58-124. Unlawful; disposal by county.

It shall be unlawful to abandon any motor vehicle as provided in Official Code of Georgia Annotated. Any motor vehicle abandoned within Fannin County shall be disposed of by the proper authorities.

Sec. 58-125. Abandoning vehicle on public property prohibited.

The dumpster regulation of and ordinance of Fannin County is incorporated herein for purposes of enforcement. It shall be unlawful to park or let stand any junk vehicle or abandoned vehicle on public property or within Ten (10) feet of a county or state road located within Fannin County.

(Ord. of 4-24-1990, § 8.0(2))

Sec. 58-126. Abandoning on property adjacent to or abutting a public road.

It shall be unlawful for any person to maintain or keep any junk vehicle on any property adjoining or abutting any public road, street or other public property within the unincorporated portions of Fannin County, and visible from such public road, street, way or other public property. Said abandoned or junk vehicle shall be screened from public view or removed.

(Ord. of 4-24-1990, § 8.0(3))

Sec. 58-127. Disposal at dumpster or landfill.

It shall be unlawful to dispose of a junk vehicle or an abandoned vehicle in or at a dumpster or at any sanitary landfill.

(Ord. of 4-24-1990, § 8-0(4))

Sec. 58-128. Enforcement.

The enforcement provisions of this chapter as they apply to junk vehicles are not exclusive, but shall be in addition to any other regulations and regulatory codes of the State of Georgia or Fannin County. A fine of One Hundred Dollars (\$100) per vehicle, per incident shall be assessed, to the property and vehicle Owner, for each week an abandoned or junk motor vehicle is not screened or removed.

(Ord. of 4-24-1990, § 8.0(5))

Sec. 58-129. Reserved.

This Ordinance shall take effect June 10, 2009