

TIFT COUNTY ENVIRONMENTAL ORDINANCES

IT IS DECLARED to be the policy of Tift County Georgia, in the furtherance of it's responsibility to protect the public health, safety, and well being of its citizens and to protect and enhance the quality of its environment, to revise and update existing laws, and to institute and maintain a comprehensive county-wide program for all solid waste management which will assure that the storage, transportation, collection, and disposal of solid waste does not adversely affect the health, safety, and well being of the public and does not degrade the quality of the environment by their reason of location, design, method of operation or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste referred to in this ordinance as recovered material.

IT IS FURTHER DECLARED to be the policy of Tift County Georgia to educate and encourage generators and handlers of all solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which require collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods to promote markets for and engage in the purpose of goods made from recovered materials and goods which are recyclable.

THEREFORE, by power vested to the County through the Constitution of the State of Georgia, Article IX, Section II, Paragraph I, the Board of Commissioners of Tift County does hereby enact this resolution by the authority of which shall be known and may be cited as the "ENVIRONMENTAL ORDINANCES" of Tift County, Georgia.

ARTICLE I

ENVIRONMENT

PART I

SECTION 1. IN GENERAL

It shall be unlawful for any person to trespass upon or interfere with the rights of others through the neglect of property by causing or allowing unsightly litter, foul odor or potentially dangerous devices to remain on or emanate from their property, or to discard or abandon such materials or cause any such condition on public property or private property of another.

SECTION 2. DEFINITIONS

For the purpose of these articles, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

The following definitions shall apply in the interpretation and the enforcement of this article:

(a) "Abandoned motor vehicle" shall have the same meaning as set forth in OCGA §40-11-1 and shall mean a motor vehicle or trailer:

1. Which has been left by the owner or some person acting for the owner with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;
2. Which is left unattended on a public street, road, or highway or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle;
3. Which has been lawfully towed onto the property of another at the request of a law enforcement officer and left there for a period of not less than 30 days without anyone's having made claim thereto;
4. Which has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without the owner's having made claim thereto; or
5. Which has been left unattended on private property for a period of not less than 30 days without anyone's having made a claim thereto.

(b) "Building materials" means any material such as lumber, brick, plaster, gutters, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

(c) "Bulk container" means a metal container of not less than four (4) cubic yards nor larger than eight (8) cubic yards, made of water-tight construction with doors opening on top and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.

(d) "Business trash" means any waste accumulation of dust, paper and cardboard, packing materials, rags or other accumulations, other than garbage or household trash, which are usually attendant to the operation of stores, offices and similar businesses.

(e) "City" means the City of Omega and/or the City of Ty Ty, including the City Council of Omega and the City Council of Ty Ty.

(f) "Commercial establishment" means any retail, manufacturing, wholesale, institutional, religious, governmental, or other non-residential establishment at which garbage or trash may be generated.

(g) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.¹

(h) "County" means the County of Tift and/or the Tift County Board of Commissioners.

(i) "Dead animals" shall include domestic and non-domestic animals.

(j) "Disposal facility" means any facility or location where any treatment, utilization, processing, or disposition of solid waste occurs.

(k) "Disposal site" means any location where the final deposition of solid waste occurs.

(l) "Dump" means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.¹

(m) "Garbage" means the by-product of animal or vegetable food-stuffs 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.

(n) "Hazardous waste or Hazardous refuse" means any solid waste which has been defined as a hazardous waste in rules or regulations promulgated by the State Department of Natural Resources and/or EPD and also specifically includes explosives, offal, fecal matter, acids, chemicals, caustics, asbestos, poisons, paint products, tires and petroleum products. This definition includes wastes that are ignitable, corrosive, reactive or extraction procedure toxic.

(o) "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.

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

(q) "Inert waste" means wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes industrial and demolition waste not specifically listed.

(r) "Litter" shall mean any materials meeting the definition of "waste" set out in Section 2(pp)(i) except for materials failing to meet the weight or volume thresholds therein stated. For purposes of clarity, "litter" shall mean all discarded substances and materials whatsoever weighing ten pounds (10 lbs) or less or having a volume of less than fifteen cubic feet (15ft³). Biomedical waste, hazardous waste, hazardous substances or any such substance dumped for commercial purposes is not

“litter regardless of weight or volume. The intent of this provision is to define as “litter” materials that would be “waste” under the referenced definition except that such materials weigh ten pounds or less and have a volume of fifteen cubic feet or less.

(s) “Loading and unloading areas” means space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities and persons.

(t) “Motor vehicle” or “vehicle” shall mean any motorized vehicle or trailer.

(u) “Multiple residential unit” means any duplex, apartment, group of apartments or condominium used for dwelling places of more than one family.

(v) “Municipal solid waste” means any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments except such solid waste disposed of in a private industry solid waste disposal facility. The term includes yard trash/trimmings, but does not include solid waste from mining, agricultural or silvicultural operations.²

(w) “Offal” means the viscera and trimmings of a butchered animal removed in dressing.

(x) “Open dump” means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.¹

(y) “Owner” shall mean the owner, lessor, lessee, security interest holders, and all lien holders as shown on the records of the Department of Revenue.

(z) “Person” means individual, firm, company, partnership, corporation, association or other entity.

(aa) “Public or private property” means the right of way of any road or highway; any body of water or watercourse; any park, playground, building, refuge or conservation or recreation area; and residential or farm properties, timberlands, or forests.²

(bb) “Recovered materials” means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from

the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.³

(cc) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.³

(dd) "Refuse" means municipal solid waste accumulations consisting of garbage, household trash, yard trash, and business trash as herein defined.

(ee) "Refuse receptacle" means a metal or plastic container designed and utilized for the collection of garbage, household trash and business trash which:

- (1) Is of substantial construction;
- (2) Has a tight fitting lid;
- (3) Is provided with handles; and/or
- (4) Is of a type approved by the Tifton/Tift County Sanitation Department.

(ff) "Retail tire dealer" means a person actively engaged in the business of selling new, used or reconditioned replacement tires.⁴

(gg) "Safety or health hazard" shall mean a condition of sufficient gravity and seriousness to threaten the health, welfare or safety of the residents of the County and/or the City.

(hh) "Scavenge" shall mean uncontrolled picking from discarded refuse materials.

(hh) "Scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.⁴

(ii) "Scrap tire carrier" means any person engaged in picking up or transporting scrap tires not otherwise exempted in the Georgia Rules for Solid Waste Management for the purpose of removal to a scrap tire processor, end user or disposal facility.¹

(jj) "Scrap tire generator" means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county, and state governments.¹

(kk) "Scrap tire processor" means any person who is approved by the Environmental Protection Division to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.¹

(ll) "Scrap tire sorter" means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.¹

(mm) "Single residential unit" means any dwelling place occupied by one family.

(nn) "Solid waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources³; or source, special nuclear, or by-product material.⁴²

(oo) "Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.²

(pp) "Waste" shall mean:

(i) all discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or fifteen cubic feet (15ft³) in volume; or

(ii) discarded substances and materials in any weight or volume if biomedical waste, hazardous waste, a hazardous substance or any such substance or material dumped for commercial purposes.

With the exception of non-hazardous, low-impact animal by-products classified by the Georgia Department of Natural Resources, "waste" includes without limitation, sand, gravel, slag, brick, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, bottles, boxes, containers, papers, tobacco products, tires, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility, air contaminants from any source or facility, and other discarded materials or substances of every kind and description resulting from domestic, industrial, commercial, mining or governmental operations.

(qq) "Yard trash and yard trimmings" means waste accumulation of lawn, grass, tree branches or limbs, or shrubbery cuttings or clippings and dry leaf rakings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural, and silvicultural operations, all of which are free of dirt, rocks, large branches and bulky or noncombustible material.

SECTION 3. WASTE DISPOSAL – GENERAL

(a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all litter, waste, scrap tires, and municipal, commercial or industrial solid waste on the premises used or occupied by such person.

(b) It shall be unlawful to dump, or permit the dumping of litter, waste, scrap tires, municipal, commercial, or industrial solid waste or recyclables at any place in the County or the City including and without limitations, in or on any public highway, road, street, ditch, alley, or thoroughfare, including any portion of the right of way thereof, any public or private property or any waters in the County or the City unless such litter or waste originates in the County or the City or other areas authorized by the County Board of Commissioners and/or the City Council AND:

1. The property is designated by the County Board of Commissioners and the City Council or its duly designated agent for the disposal of litter, waste, municipal, commercial or industrial solid waste, scrap tires or recovered materials and the person is authorized to use such property;
2. The litter, waste, municipal, commercial or industrial solid waste, recyclables or scrap tires is placed into a receptacle or container installed specifically for such property; AND

3. The property has a valid solid waste handling permit issued by the Georgia Environmental Protection Division (EPD) when required.

(c) All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorter, and retail tire dealers shall be subject to rules as defined in Chapter 391-3-4, et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. 12-8-20, et seq. and the Georgia Rules for Solid Waste Management, Chapter 391-3-4, et seq. applicable to solid waste.

SECTION 4. TRANSPORTING SOLID WASTE AND LITTER

a) All vehicles, driving or stationary, within the county or city shall be so constructed, loaded, covered, or securely fastened so as to prevent municipal, commercial, or industrial solid waste or any load, contents, litter, or other such waste or materials from flowing freely, being blown, scattered, leaked, spilt, or in any manner deposited in or upon any highway, road, street, ditch, alley or thoroughfare, including any portion of the right of way thereof, sidewalk, other motor vehicles, pedestrians, or other public place, or upon private property within the county or the city. However, this section shall not prohibit the necessary permitted spreading of any substance in public road maintenance or public road construction operations.

b) It shall be unlawful for a business or private person(s) engaged in waste hauling or transportation for hire from businesses or private residences to dispose of materials as solid waste that have been intentionally sorted as recyclables by the business or private residence to a lawfully permitted disposal facility rather than placing the materials in the location designated by the County or the City or appropriate authority for said recyclables.

SECTION 5. REGULATION OF ALL SOLID WASTE OR LITTER CONTAINERS AND RECEPTACLES

It shall be required of every person in possession, charge or control of any place in or from which business trash or industrial waste is accumulated or produced to provide and at all times to keep in a suitable place readily accessible to any public collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. The Tifton/Tift County Sanitation Department shall determine the quantity and location of said receptacles and shall determine whether said receptacles and containers are serviceable. The Tifton/Tift County Sanitation Department shall also notify any such person or persons that their receptacles and containers are not serviceable.

Once so notified, such person or persons shall immediately make their receptacles and containers serviceable as requested by the Tifton/Tift County Sanitation Department.

- a) All solid waste or litter containers or receptacles and their surrounding area shall be maintained in as sanitary a manner as is reasonable possible consistent with its use of solid waste and litter disposal.
- b) Persons using solid waste and litter containers or receptacles shall deposit only authorized solid waste and refuse in the appropriate container or receptacle.
- c) No person shall deposit a scrap tire in any container or receptacle.
- d) No person shall deposit any burning or smoldering material in such container or receptacle, or set fire to the contents of any such container or receptacle.
- e) No person shall deposit large non-compatible articles in containers or receptacles such as but not limited to stoves, refrigerators, bedsprings, automobile parts, boat parts, large tree limbs or air conditioning units. These items must be taken to an approved collection site or to the Tifton/Tift County landfill.
- f) No person shall deposit any hazardous refuse or flammable materials in any such container or receptacle.
- g) No person shall willfully damage or alter the location of any such container or receptacle without the consent of the Tifton/Tift County Sanitation Department.
- h) No salvage or scavenging operations shall be conducted in or around such containers or receptacles.
- i) No person shall indiscriminately scatter or disperse the contents of any containers or receptacles.
- j) No person shall deposit any solid waste at a city/county solid waste collection and recycling center unless such solid waste is contained in a manner that it can be handled by the attendant and shall be deposited only during the official hours of operation.
- k) No person shall deposit solid waste, litter or liquid of any kind at any city/county solid waste collection and recycling center into city/county owned receptacles or containers designated for the collection of recovered materials. Only authorized materials such as glass, aluminum, newspaper, cardboard, plastic and tin or other accepted material may be deposited in the appropriate container designated for said material.

SECTION 6. REGULATION OF MUNICIPAL SOLID WASTE LANDFILLS, INERT LANDFILLS, CONSTRUCTION AND DEMOLITION LANDFILLS, AND SOLID WASTE COLLECTION AND RECYCLING CENTER

- a) No landfill shall be operated in Tift County, Georgia other than a landfill designated by the Tift County Board of Commissioners and the Tifton City Council as the Tifton/Tift County Landfill, and no private municipal landfill shall be operated in Tift County, Georgia.
- b) No person shall deposit solid waste of any kind outside the gate or fence of a solid waste collection and recycling center.
- c) No scavenging operation of any kind shall be allowed at a solid waste collection and recycling center.
- d) No person shall move, remove, or cross any fence, gate, barrier, or sign at a solid waste collection and recycling center.
- e) Hours of operation of said centers will be set to maximize the efficient use of operating the centers and for the convenience of the residents of that area.
- f) All recovered materials (recyclables) brought to collection centers will be accepted free of charge provided it is separated under current market specifications and likewise uncontaminated.
- g) All collection sites will be manned during hours of operation to ensure compliance with this ordinance and all applicable state and/or federal laws.
- h) Attendant on duty will have full authority of said center consistent with this ordinance.
- i) All rules listed above shall apply to all public and/or private property in said County and City, all waters and/or waterways of said County and City, and all Tifton/Tift County Solid Waste Collection and Recycling Centers.

SECTION 7. RECOVERED MATERIALS

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

SECTION 8. ACCUMULATION

- a) No owner or occupant of any such property shall bury or burn litter, waste or yard trimmings without prior authorization and consent from the applicable regulatory agency including but not limited to the United States Environmental Protection Agency, Georgia Environmental Protection Division and/or the Georgia Forestry Commission. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state and/or federal law or local ordinance.

b) No owner or occupant of any property shall cause, suffer or allow the accumulation, on his or her premises, of garbage, litter or waste where such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors.

c) The conduct described in Paragraphs (a) and (b) of this Section 8 shall constitute a separate violation of the ordinance for each day the garbage, litter or waste material remains or continues to unlawfully pollute, contaminate or burn on such premises.

SECTION 9. RECYCLING

a) The County and the City hereby finds that it is in the best interest of the citizens of the County and the City, in order to promote the health, safety, and welfare of the citizens to recycle as many waste materials as possible in order to reduce the accumulation of litter and garbage and solid waste materials which must be properly disposed of; therefore, it is the policy of the County and the City to encourage recycling whenever practicable.

SECTION 10. SCRAP TIRE MANAGEMENT

a) All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as defined in Chapter 391-3-4 et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. 12-8-20, et seq. and the Georgia Rules for Solid Waste Management, Chapter 391-3-4 et seq. applicable to solid waste, except where requirements of this ordinance are more stringent.

b) A retail tire dealer may hold up to 100 scrap tires per garage bay in storage, up to a maximum of 1000 scrap tires.

c) Tires must be stored in covered or enclosed areas to prevent the accumulation of water.

SECTION 11. COLLECTION TO BE BY COUNTY

Licenses – It shall be unlawful for any person to collect solid waste within the County or the City, except from his own residence or business or industrial property, without first obtaining a proper permit or license for such business operation from The Georgia Department of Natural Resources and the Tifton/Tift County Landfill or other appropriate issuing authority.

SECTION 12. PRE-COLLECTION PRACTICES

(a) Refuse. All refuse shall be placed and maintained in containers as specified herein.

All containers shall be kept covered at all times with tight-fitting covers.

(b) Garbage. All garbage being placed in containers for collection shall have drained from it all free liquid, and should be wrapped, bagged or enclosed in paper or plastic material.

(c) Household trash. All household trash shall be drained of all liquids prior to its deposit in refuse receptacles.

(d) Injurious trash items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely wrapped to prevent injury to the collection crews.

(e) Hazardous refuse and building materials. No hazardous refuse or building materials shall be placed in any receptacle used for collection by the city/county nor shall the same be collected by the city/county.

(f) Yard trash. Yard trash shall be accumulated upon owner's property and located so as to accommodate convenient pickup, where available.

SECTION 13. STORING OF REFUSE AND TRASH

All accumulations of refuse and trash shall be stored or placed for collection in accordance with the following provisions:

(a) Public streets and private property. No person shall place any accumulations of refuse or trash in any street, median strip, alley, ditch or other public place of travel, nor upon any private property except as stated herein.

(b) Blockage of storm drains. No person shall place any refuse, trash, refuse receptacles or containers on, upon or over any storm drain, or so close thereto as to be drawn by the elements into same.

(c) Unauthorized accumulations. Any accumulation of refuse, junk or trash items on any lot, property, premises, public street, ditch, alley or other public or private place not permitted by this

article, is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove and correct any such accumulation of refuse shall be deemed a violation of this article.

(d) Junk. It shall be unlawful for any person to place or leave outside any building or dwelling any dilapidated furniture, appliance, machinery, equipment, junked motor vehicle, or other item which is either in a wholly or 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 section shall be presumed to be abandoned and subject to being removed from the property by the county or city without further notice, and any such failure to remove such item or items shall be deemed a violation of this section. This shall not apply to:

(i) commercial establishments engaged in the repair, rebuilding, reconditioning or salvaging of equipment or furniture. For purposes of construction of this ordinance, "commercial establishments" shall include any establishment registered and/or licensed under any ordinance passed by Tift County requiring business registration and/or licensing; and

(ii) Any properties zoned for agricultural use.

While this provision shall not apply to commercial establishments or properties zoned for agricultural use as identified above, such commercial establishments and agricultural properties shall be required to provide screening so as to prevent visual blight affecting adjoining properties. Such screening is to be a durable masonry, solid wood fences or chain link fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties. Such screening shall be provided and maintained by the owner and his successors and assigns; and such fences and walls shall be at least six (6) feet in height, but no greater than eight (8) feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural planting shall be of such variety that an average height of at least six (6) feet could be expected by normal growth no later than three (3) years from the time of planting. The owner shall be required to

install screening within six (6) months of the date of passage of this ordinance, and any failure to do so shall be a violation of this section.

(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 container of any kind which has an airtight snap lock or similar device without first removing the lock or door from said appliances, refrigerator or container to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. This provision shall not be construed to allow the storage of abandoned appliances which is prohibited under the provisions of subparagraph (d) of this Section 13 of Article I.

(f) Scavenging. No person other than the owner thereof, or an agent or employee of the County or City, shall interfere with any container placed for the purpose of storing refuse pending collection, or remove or take any of the contents thereof, or remove any such container from the location where the same shall have been placed by the owner thereof.

SECTION 14. SCATTERING OF REFUSE AND LITTERING PROHIBITED

(a) It shall be unlawful for any person to: (1) throw or deposit any refuse into any public or private street or scatter refuse about or litter any public or private street, alley, ditch or area or place; or (2) throw or deposit any refuse, trash, or debris in any stream, stream bed, or body of water.

(b) It shall be unlawful for any vehicle transporting loose materials within the county to transport same without suitable covers. This paragraph shall not apply to the transportation of cotton, poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock.

SECTION 15. HANDBILLS AND ADVERTISING MATTER

(a) It shall be unlawful to place in or on any automobile in the County or the City any handbill, circular, pamphlet, poster, or other literature except with express permission of the owner or occupant of such automobile.

(b) It shall be unlawful for any person to place on private property any handbill, circular, pamphlet, poster, or other literature except with express permission of the owner of the property, intended recipient or the County or the City. This section shall not apply to multi-page printed publications in the County, which may be prohibited by local ordinances.

(c) It shall be unlawful for any person to tack, post, or nail any paper, metal, wood, or other signs for advertising material of any character on any tree, or telephone or electric light pole, on any street or alley within the county and the city.

(d) It shall be unlawful for any person to place or install any advertising signs of any shape or size on the right-of-way of county or city roads/streets. The exceptions to this ordinance are listed below:

1) Political signs no larger than eighteen (18) inches by twenty-four (24) inches may be placed on the road/street right-of-way provided that are placed at least four (4) feet from the edge of any road, dirt or paved.

Political signs shall be removed no later than seven (7) days following the election for which the candidate was on the ballot.

2) Realtor signs no larger than eighteen (18) inches by twenty-four (24) inches may be temporarily placed on the road/street right of way providing they are at least four (4) feet from the edge of any road, dirt or paved.

Realtor signs shall be removed within seven (7) days following the sale of the property or within six (6) months, which ever comes first.

3) Signs may be erected on the right-of-way by state or local governments as needed or required.

4) It shall be unlawful to place any political signs, realtor signs or government signs that would obstruct traffic or create a safety hazard.

5) Neither the county nor the city will be responsible for any signs that are damaged by mowing or road equipment.

SECTION 16. COMMERCIAL ESTABLISHMENTS

All commercial establishments shall store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved

methods of containerization include refuse receptacles, bulk containers and detachable containers. Spillage and overflow shall be immediately cleaned up by said establishment when and as it occurs.

SECTION 17. LOADING AND UNLOADING

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials and other trash. The number of containers necessary for each area shall be as required to maintain clean, neat and sanitary premises. The owner of the premises and the occupant thereof shall jointly and severally maintain surveillance to insure that all litter is placed in the proper container and the area is kept clean.

SECTION 18. PARKING LOTS

(a) Obligation to furnish receptacles. All parking lots and establishments with parking lots shall provide refuse receptacles. The County and the City shall have the authority to determine the number and types of receptacles necessary to provide proper containerization. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or the manager of the parking lot to maintain the lot in a clean and presentable condition, collect the refuse and trash deposited in such containers and store this material in an approved location as hereinabove defined.

(b) Obligation to use receptacles. It shall be the obligation of all persons using the parking areas to use such refuse receptacles or containers as hereinabove provided for the purpose intended, and it shall be unlawful for any person or persons to dump, scatter, or throw upon any such parking lot, refuse, garbage, or trash of any kind.

SECTION 19. CONSTRUCTION SITES AND DEMOLITION SITES

The person in control of such construction sites shall use reasonable measures to prevent trash and litter from being deposited upon or blowing onto neighboring property. Construction materials or other debris deposited upon any public or private property as a result of construction or demolition

shall be removed by the contractor upon completion of the construction. No person or contractor shall bury or burn building materials or trash on a construction site.

SECTION 20. COLLECTION PRACTICES

(a) Bulk container. Any commercial establishment that furnishes and maintains a bulk container suitable for handling by city/county equipment will be serviced by the city/county as herein stated, provided that said container shall be of sufficient size as specified and be approved for collection. Said containers shall at all times be kept clean, neat, painted, and in a good state of repair. Service shall be discontinued to establishments failing to maintain containers appropriately. Establishments utilizing bulk containers shall be responsible for repairing said containers for service; no service shall be given those establishments permitting objects, obstructions, or vehicles to hinder in any way the servicing of the said container. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.

(b) Holidays. Collections shall not be made on the following holidays unless otherwise specified by County or City: New Year's Day, Martin Luther King, Jr. Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

(c) Industrial waste. Industrial waste shall be collected, removed and disposed by the operator of the factory, plant or enterprise creating or causing same.

(d) Hazardous refuse. No hazardous refuse shall be placed in any receptacle used for collection of refuse by the county.

(e) Building materials. The county shall not be responsible for the collecting or hauling of building material originating from private property preliminary to, during or subsequent to the construction of new buildings of whatever type or from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor as soon as reasonably practicable after completion of the project and before landscaping.

(f) Hazardous or liquid waste or highly combustible industrial waste shall not be disposed of in the landfill.

SECTION 21. SPECIAL REFUSE DISPOSAL

(a) Contagious disease refuse. The removal of clothing, bedding or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the County Health Department. Such refuse shall not be placed in containers for County or City collection.

(b) Hypodermic devices. 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 hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner, such as a Sharps container, so as to avoid the possibility of causing injury to the collection person. Nothing in this provision shall be construed to allow the disposal of medical wastes by any person required to utilize designated methods of disposal under any laws or regulations promulgated by any local, state or federal department or agency charged with regulating disposal of medical waste.

(c) Cardboard boxes and cartons. Prior to depositing refuse 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. The person in charge of the premises shall remove any Styrofoam or other packing materials therein contained prior to collapsing the boxes and cartons and shall take such measures as are necessary to prevent disbursement or blowing of cardboard on subject or onto adjoining properties and shall situate such containers or receptacles so as to accommodate pickup by the county.

SECTION 22. RESPONSIBILITY OF OWNERS AND AGENTS

The owners or agents, tenants or lessees of all residential units and commercial establishments shall be responsible for compliance with this Ordinance.

SECTION 23. MAINTENANCE OF PROPERTY

(a) Property. All owners or occupants of property shall maintain their property in a litter-free condition.

(b) Sweeping into sidewalks or streets. No person shall sweep into or deposit in any street or sidewalk the accumulation of litter from any building or property.

PART II

DISPOSAL SITES

SECTION 1. USE AUTHORIZED; REGULATION

All domestic and other acceptable refuse shall be delivered and deposited at authorized disposal sites. Privately operated sites may be used for the inert disposal permits, as required by the regulations of the Georgia Department of Natural Resources.

SECTION 2. DESIGNATION

Public sites approved for the disposal of refuse shall be designated by appropriate signs posted near the roadside.

SECTION 3. OPERATING HOURS

Authorized public disposal sites shall be operated at such times as are determined and posted at such sites by the Tifton/Tift County Sanitation Department. During such hours, acceptable refuse generated in the county shall be received for disposal. It shall be a violation of this ordinance for any person to deposit refuse outside the parameter of disposal sites when such sites are closed.

SECTION 4. WHEN USE AUTHORIZED: OWNERSHIP OF WASTE

No person shall enter a disposal site except when an attendant is present and during the hours and days prescribed in Section 3. All materials delivered and deposited for disposal on the grounds or disposal sites shall be the property of the county.

SECTION 5. COMMERCIAL DUMPSTERS

It shall be a violation of this ordinance for any person:

- (a) To put household garbage, trash or any other waste in a commercial dumpster within the county without permission from the owner of said dumpster;
- (b) To remove any article, trash or other material from any commercial dumpster in the county without permission from the owner; or
- (c) To scatter material from a commercial dumpster around the commercial dumpster site.

SECTION 6. CLASSIFICATION OF REFUSE FOR DISPOSAL

(a) Domestic refuse. The following types of refuse shall be classed as "domestic refuse" and shall be accepted for disposal:

- (1) Business trash, as defined in Article I, Section 2(d);
- (2) Garbage, as defined in Article I, Section 2(m);
- (3) Household trash, as defined in Article I, Section 2(o); or
- (4) Refuse, as defined in Article I, Section 2(dd).

(b) Industrial Waste. The following types of waste shall be classed as "industrial waste" and shall not be accepted for disposal:

- (1) Hazardous refuse, as defined in Article I, Section 2(n); or
- (2) Industrial waste, as defined in Article I, Section 2(p).

(c) Building materials, as defined in Article I, Section 2, shall be accepted for disposal upon payment of a fee which shall be determined by the City Tifton and Tift County and shall be paid at the time such material is accepted for disposal.

SECTION 7. PERMIT AND ACCEPTANCE REQUIRED

It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any refuse. All waste must be taken to the Tifton/Tift County Landfill.

SECTION 8. GENERAL MAINTENANCE

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.

SECTION 9. RIGHT TO ENTER TO INSPECT

The County, its designated representative, or authorized representative of the Department of Natural Resources shall be permitted to enter private disposal sites at any time during normal business hours for free and unhindered inspection to determine compliance with this chapter and all other pertinent laws and regulations.

SECTION 10. BURNING PROHIBITED

(a) No person shall set fire to or burn building materials, business trash, garbage, household trash, industrial waste or litter as those terms are defined in Section 2 of Article I of this ordinance. This shall not be construed to prevent small fires on construction sites for purposes of personal warmth.

(b) Only burning of natural vegetation (trees, brush, stumps and yard trash as defined herein) will be allowed within the political boundaries of Tift County subject to the following procedures, rules and regulations. (1) Burning in ditches is prohibited. (2) Fireplaces and outdoor grills are specifically excepted.

(c) Persons desiring to burn shall obtain a burn permit number from the Georgia Forestry Commission; and all burning will be performed in compliance with rules for quality control issued by the Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch and identified as Chapter 391-3-1.

(d) If the county, through its designated agent, determines (1) that the above conditions have not been met and that a danger to the health and welfare of the public is present during permitted burning, or (2) any unpermitted burning is occurring, such person shall have the authority to require that any burning be discontinued. Should the party performing the burning refuse to discontinue upon request, the county's designated agent shall be authorized to take such action as reasonably necessary to discontinue the burning.

PART III

MOTOR VEHICLES

SECTION 1. ABANDONED MOTOR VEHICLES

It shall be unlawful to abandon any motor vehicles as defined in this ordinance (Section 2) and OCGA §40-11-1. Any motor vehicles abandoned within Tift County shall be disposed of by the proper authorities as provided in Chapter 11 of Title 40 of the Official Code of Georgia.

SECTION 2. INOPERABLE VEHICLES

(a) Except as provided herein, the open storage of inoperable or unclaimed operable vehicles on private property is prohibited.

(b) Any person lawfully engaged in the repair of damaged or inoperable vehicles may store such vehicles on private property for a period not to exceed sixty (60) days. Thereafter, any such vehicles shall be screened from view by a fence or shrubbery on all sides of the property on which the vehicles are stored. See Article I, Section 13 (d) for a description of the type screening required.

(c) Persons lawfully engaged in the operation of a junkyard or salvage yard in accordance with the zoning and other requirements of the county ordinances shall insure that such yards are screened from view on all sides of the property upon which the vehicles are stored in the manner provided for screening of junk [see Article 1, Section 13 (d) of this ordinance]. Persons determined to be in violation of this provision shall have a period of six (6) months from the date of finding the violation to install screening as herein required.

(d) A vehicle lacking a current, valid Georgia tag shall be considered inoperable for the purposes of this section.

ARTICLE II

NUISANCES

SECTION 1. NUISANCE DESIGNATED

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. The following conditions may be declared to be nuisances when any of them endanger the health, welfare or good order of the community:

(a) Any dead or decaying matter; weeds; vegetation; or any fruit, vegetable, animal or rodent upon the premises which causes odor or is capable of causing disease or annoyance to the inhabitants of the county. This shall not include unharvested crops in agricultural fields.

(b) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the county.

(c) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto.

(d) Maintaining a dangerous or diseased animal or fowl.

(e) Obstruction of a public street, highway or sidewalk without a permit.

(f) Loud or unusual noises which are detrimental or annoying to the public, including without limitation loud disturbances (such as loud music) in or around churches, residential areas or multiple family complexes and other activities in swimming pools and clubhouse areas.

(g) All walls, trees and buildings that may endanger persons or property.

(h) Unused ice boxes, refrigerators and the like unless the door latches or locks thereof have been removed.

(i) Filthy privies, stables or livestock enclosures.

(j) Anything having an offensive odor or that may cause injury or damage to the health or life of any other person.

(k) Filthy water or excrement, broken or ruptured sewer lines, raw sewage, or water from kitchens, bathrooms, laundries, privies, stables or other such places.

(l) Any other condition constituting a nuisance under state law.

SECTION 2. TRASH AND WEEDS: DUTY OF PERSON RESPONSIBLE

(a) It shall be unlawful for any person to maintain premises, including vacant lots or land, upon which trash, garbage or miscellaneous refuse is permitted or caused to accumulate in any manner which is, or may become a nuisance, or cause injury to the health or welfare of residents in the vicinity or may injure 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 refuse.

(b) It shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property under such circumstances that the grass or weeds are potential breeding places for insects, rodents or reptiles so as to prevent a health or fire hazard threatening the citizens of the County or the City.

(c) Subparagraph (b) above shall not be applicable to properties used for agricultural purposes.

SECTION 3. MOSQUITO CONTROL

A violation of any provision of this section is a nuisance.

(a) Keeping water in which mosquitoes may breed.

(1) It shall be unlawful to have, keep, maintain, cause or permit within the county or city any collection of standing or flowing water in which mosquitoes breed or are likely to breed unless such collection of water is so treated as to effectually prevent such breeding.

(2) The collections of water prohibited by subsection (a) of this section shall be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use) urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets, scrap tires, or other similar containers that may hold water.

(b) Treatment of collection of water.

The method of treatment of any collections of water that are specified in Section 3- (a) (1 & 2) directed toward the prevention of breeding of mosquitoes shall be approved by the health officer and may be one or more of the following:

- (1) Screening with wire netting of at least 16 meshes to the inch each way, or with any other material that will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers, together with their thorough drying and cleaning.
- (3) Using a larvicide approved and applied under the direction of the health officer.
- (4) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (5) Filling and draining to the satisfaction of the health officer, his agent, or accredited representative.

(6) Proper disposal by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(c) Mosquito larvae as evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there; and failure to prevent such breeding within three days after notice by the health officer, his authorized agent or representative, shall be deemed a violation of this division.

(d) Failure to remedy conditions after notice.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the breeding of mosquitoes, within three days after due notice has been given to him, the health officer or his authorized agent is authorized to do so; and all necessary costs incurred by him for this purpose shall be a charge against the property owner or other person offending, as the case may be.

(e) Right of entry of health officer.

For the purpose of enforcing the provisions of this division, the health officer, or his duly accredited agent under this authority, may at all reasonable times lawfully enter in and upon any premises within his jurisdiction.

AMENDMENT TO THE TIFT COUNTY ENVIRONMENTAL ORDINANCES

The Tift County Environmental Ordinances adopted on the 8th day of February 2000, are hereby amended by replacing Articles III and IV with the following Articles III and IV:

- ARTICLE III -

UNSANITARY, UNSAFE, AND UNFIT BUILDINGS, DWELLINGS, AND STRUCTURES

SECTION 1. AUTHORITY FOR ADOPTING ORDINANCES RELATING TO UNSANITARY, UNSAFE AND UNFIT BUILDINGS AND DWELLINGS.

The Board of Commissioners of Tift County, Georgia is authorized by OCGA §36-61-11 and §41-2-7 through §41-2-17 to adopt this Special Unsanitary, Unsafe, and Unfit Buildings, Dwellings, and Structures Ordinance.

SECTION 2. DECLARATION OF POLICY AND PURPOSE.

The Board of Commissioners of Tift County, Georgia finds that there exist in Tift County, dwellings, buildings, and structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Tift County or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed.

SECTION 3. DEFINITIONS.

1. "Applicable codes" means (A) any optional housing or abatement standard provided in Chapter 2 of Title 8 of the Official Code of Georgia (OCGA) as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (B) any fire or life safety code as provided for in Chapter 2 of Title 25 of the OCGA; and (C) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 of the OCGA after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
2. "Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
3. "Drug crime" means an act which is a violation of Article 2 of Chapter 13 of Title 16 of the OCGA, known as the "Georgia Controlled Substances Act."
4. "Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in these ordinances, the terms "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry or other farm products.
5. "Governing authority" means the Board of Commissioners of Tift County, Georgia.
6. "Owner" means the holder of the title in fee simple and every mortgagee of record.
7. "Parties in interest" means:
 - (A) Persons in possession of said property and premises;
 - (B) Persons having of record in Tift County any vested right, title, or interest in or lien upon the subject dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50 year title examination conducted in accordance with the title standards of the State Bar of Georgia;

(C) Persons having paid a business registration fee to Tift County for a location or office at the subject building or structure; or

(D) Persons having filed a property tax return with Tift County as to the subject property, building, or structure.

8. "Public authority" means any officer or authorized agent of any department or branch of Tift County or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county.

9. "Public officer" means the officer or officers who are authorized by this ordinance to exercise the powers prescribed by such ordinance or any agent of such officer or officers.

10. "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes of Tift County and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

11. "Resident" means any person residing in Tift County on or after the date the alleged nuisance arose.

SECTION 4. VIOLATION

It shall be a violation of this ordinance for any person to allow the existence of or use of real estate in any manner:

(a) which renders adjacent real estate unsafe or inimical to safe human habitation, is dangerous and injurious to the health, safety and welfare of the people of Tift County by virtue of allowing to exist dwellings, buildings or structures which are unfit for human habitation or for commercial, industrial or business uses due to dilapidation and defects increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; or other conditions rendering such dwellings, buildings or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or welfare or otherwise inimical to the welfare of the residents of Tift County, and/or which are not in compliance with applicable codes; or which are vacant, dilapidated dwellings, building or structures in which drug crimes are being committed; or

(b) where an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing in the vicinity.

ARTICLE IV

ENFORCEMENT

PART I – PROCEDURE

SECTION 1. APPOINTMENT OF PUBLIC OFFICER.

An administrative official appointed as the Public Officer of Environmental Ordinances by the Tift County Board of Commissioners shall administer and enforce the provisions of the Tift County Environmental Ordinances and shall be authorized to seek remedial measures for violations of such ordinances and to exercise any and all powers prescribed by such ordinances and applicable state statutes. The official appointed shall have the authority to designate persons to undertake functions and responsibilities allocated to the Public Officer under such ordinances, and applicable state statutes.

SECTION 2. COMPLAINT AND NOTICE TO THE OWNER OF DWELLINGS, BUILDINGS OR STRUCTURES.

Whenever a request is filed with the Public Officer by:

- (1) any public authority of Tift County; or
- (2) at least five (5) residents of the unincorporated area of Tift County if the property in question is located in the unincorporated area,

charging any violation of Articles I, II or III of these ordinances, the Public Officer shall conduct a preliminary investigation. If the Public 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 the commission of drug crimes; or constitutes an

endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Public 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 owner of and parties in interest in such dwelling, building, or structure through the procedures authorized by OCGA §41-2-12. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the actions sought by the Public Officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before the Magistrate Court of Tift County at a date and time certain and at a place within Tift County. Such hearing shall be held not less than fifteen (15) days nor more than forty five (45) days after the filing of said complaint in the Magistrate Court of Tift County. The owner and parties in interest 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. The Magistrate Court of Tift County shall have jurisdiction of any action brought by the Public Officer pursuant to these ordinances, and/or pursuant to OCGA §41-2-5.

SECTION 3. DETERMINATION THAT VIOLATION HAS OCCURED

If after such notice and hearing, the Magistrate Court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; 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 state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

(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 in to full compliance with the applicable codes, relevant to the cited violation and if applicable, to secure the structure so it can not 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 in order to bring it into full compliance with applicable codes relevant to the cited violations can not 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.

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 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 cost of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in chapter 39A of Title

43 of the OCGA, qualified building contractors, or qualified building inspectors without actual testimony being presented. Cost of all repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in Tift County.

SECTION 4. FAILURE TO COMPLY WITH ORDER

If the owner or parties in interest fail to comply with the Court's order to correct a violation or to vacate and close or demolish a building, dwelling or structure, the Public Officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The Public Officer shall cause to be posted on the main entrance of the building, dwelling, 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 BUILDING IS PROHIBITED AND UNLAWFUL."

SECTION 5. COST OF CORRECTING VIOLATIONS

If the Public 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 monies received from the sale of salvage materials 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 salvage materials may be made without the necessity of public advertisement and bid. The Public Officer and governing

authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvage materials, including, without limitation, defects in such salvage materials.

The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the 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 costs was incurred.

SECTION 6. ATTACHMENT OF LIENS

✓ The Public Officer shall file a certified copy of the order of the Magistrate Court requiring repair, closure, or demolition of any such dwelling, building, or structure in the office of the Clerk of Superior Court of Tift County. (The Clerk of Superior Court of Tift County 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. Upon filing such certified copy of the Magistrate Court's order with the Clerk of Superior Court of Tift County, the Public Officer shall forward a copy of the order and a final statement of cost to the Tift County Tax Commissioner. It shall be the duty of the Tift County Tax Commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48; providing, however, that the limitation of code section 48-4-78 which requires twelve (12) months delinquency before commencing a tax foreclosure shall not apply. The Tax Commissioner shall remit the

amount collected to the Tift County Board of Commissioners. Thirty (30) days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

The Board of Commissioners may waive and release any such lien imposed upon property upon the owner of such property entering a contract with Tift County agreeing to a time table for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

Any order for the correction of violations entered by the Tift County Magistrate Court shall be subject to review by direct appeal to the Tift County Superior Court pursuant to OCGA § 5-3-29.

SECTION 7. ANTE LITEM NOTICE

The Public Officer shall file a notice of lis pendens in the office of the Clerk of the Superior Court of Tift County at the time of the filing of the complaint.

SECTION 8. DETERMINATION BY PUBLIC OFFICER THAT BUILDING, DWELLING OR STRUCTURE IS UNFIT OR VACANT, DILAPIDATED OR BEING USED IN CONNECTION WITH THE COMMISSION OF DRUG CRIMES.

The Public Officer may determine, under existing ordinances, that a building, dwelling or structure is unfit for human habitation or is unfit for its current commercial, industrial or business use if he finds that conditions exist in such building, dwelling or structure which are dangerous or injurious to the health, safety or morals of the occupants of such building, dwelling or structure; or the occupants of such neighborhood buildings,

dwellings or structures; or of other residents of Tift County. Such conditions may include the following, without limiting the generality of the foregoing:

- 1) Defects therein 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; or
- 6) Uncleaness.

The Public Officer may determine under existing ordinances that a building, dwelling or structure is vacant, dilapidated and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

SECTION 9. POWERS AND DUTIES OF THE PUBLIC OFFICER.

The Public Officer shall exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and OCGA §§ 41-2-7 – 41-2-17.

Any action taken pursuant to this Part shall be in conformance with the procedures set forth at OCGA §§ 41-2-7 – 41-2-17.

PART III- CRIMINAL PROCEEDINGS

The Public Officer is also authorized to issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by

ordinance, and conditions creating a public health hazard or general nuisance, and is authorized to seek to prosecute such citations in the Tift County Magistrate Court prior to or in conjunction with issuing a complaint in rem as provided herein.

(a) Pursuant to the authority granted by OCGA §36-1-29, whenever there is a violation of Articles I, II or III of the Tift County Environmental Ordinances, such violation shall be punishable by (1) the imposition of a fine not to exceed \$1,000.00, (2) imprisonment in the County Jail for a period not to exceed 60 days, or (3) both fine and imprisonment.

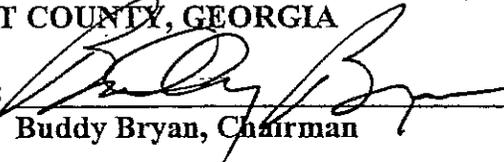
(b) Each day any violation of such articles continues shall constitute a separate offense.

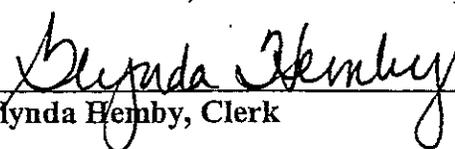
(c) A criminal proceeding under this part shall be commenced upon citation by an agent of the county as provided by OCGA §15-10-63 or upon accusation by the county attorney as provided at OCGA §15-10-60, et.seq. Any agent of the county or county attorney who commences a criminal proceeding upon the violation of Articles I, II or III of the Tift County Environmental Ordinances shall proceed as required by OCGA §15-10-60, et.seq.

(d) The Magistrate Court of Tift County, Georgia shall have jurisdiction over any criminal proceeding commenced under this part.

ADOPTED this 12 day of April, 2004.

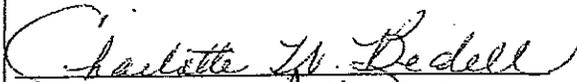
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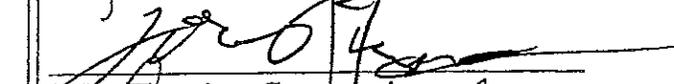
by: 
Buddy Bryan, Chairman

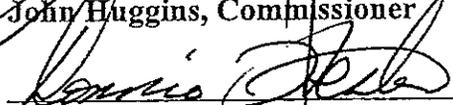
attest: 
Glynda Hemby, Clerk

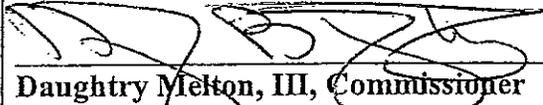
[SEAL]

APPROVED BY:


Charlotte W. Bedell, Commissioner

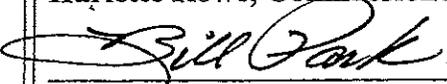

John Huggins, Commissioner


Donnie Hester, Commissioner


Daughtry Melton, III, Commissioner


Hugh Webb, Commissioner


Harriette Rowe, Commissioner


Bill Park, County Manager

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