

Subject Matter: Amendment to the Environmental Control Ordinance

Date First Presented to Council at Public

Meeting: June 5, 2006

Date of Adoption and Second Reading at a Public

Meeting: July 10, 2006

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 06-06

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE AND FINDINGS

WHEREAS, the Town of Sharpsburg (the “Town”) has determined that to serve the needs of the Community certain amendments are needed in the Town’s Environmental Control Ordinance; and

WHEREAS, the Town finds that portable toilets abutting residential properties adversely affect the general welfare and comfort of the people of the Town; and

WHEREAS, the Town finds that the accumulation of trash at construction sites within the Town adversely affect the general welfare and comfort of the people of the Town; and

WHEREAS, the Town Council finds necessity for legislative intervention by the amendments to the Town’s Environmental Control Ordinance; and

WHEREAS, it is the desire of the Town of Sharpsburg to promote and to provide for the health, safety and general welfare of its citizens, it is the desire of the town to enact this Environmental Ordinance.

WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FOLLOWING ORDINANCE:

ARTICLE ONE

The Town of Sharpsburg Environmental Control Ordinance as codified at Chapter 36 of the Town’s Code of Ordinances is hereby amended by deleting the stricken

language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

Sec. 36-101. Definitions.

The following words, terms and phrases, when used in this Chapter 36, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned, junked or inoperable furniture, appliances, machinery or equipment shall be items incapable of, and not being used for the purposes for which they were intended.

Abandoned well means a well which is no longer used for the purpose of drawing water and which is unsecured.

An *abandoned or junked motor vehicle* is defined as one that is in such a state of disrepair as to be incapable of operating under its own power or to operate safely upon public roads or streets as required by the laws of Georgia, or which does not have a current license plate or tag.

Brush means all vegetation detached from the land resulting from land clearing operations or other causes.

Construction Site means any residential, commercial, industrial, or other area, lot, or site which construction or demolition of any type is conducted including roads at buildings, and at all other places actively being construed, demolished, renovated, or repaired.

"Construction waste" means solid waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Equipment shall include all trailers, (including but not limited to, travel trailers, pop-up trailers and 5th wheel trailers) airplanes, boats and all terrain vehicles.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons or other containers.

Garden trash means all accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees and tree limbs.

Improved Lot means a lot that maintains any structure, including but not limited to a house, a business garage or any accessory building.

Litter means all waste material rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals or discarded materials of any and every kind and description.

Motor vehicle shall include, automobiles, cars, trucks, motorcycles, and motor homes.

Person means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.

Prescribed burning is a fire set under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.

Public or private property shall be all-inclusive, such that no property in the Town shall be exempt from the regulation by this ordinance.

Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Rubbish means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked, inoperative or abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stove.

Sanitary waste or domestic waste or domestic sewerage means water borne, human or animal excreta or body wastes and normal culinary, laundry, and washing wastes.

Solid waste or waste means any garbage, refuse, rubbish, trash, or other discarded

material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

Slash burning is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.

Sec. 36-104 ~~Same~~ - Notice to correct conditions.

(c) Upon conviction of violation of Section 36-102 or Section 36-103, the owner, tenant, owner's agent or property manager ~~may be fined a maximum of \$500.00 per violation; for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.~~ shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-105 ~~Same~~ – Correction by Town.

Sec. 36-107 ~~Dumping, depositing on or in premises of another, streets, streams, lakes, including public or private property or waters.~~

(b) Any person who violates this Section shall be guilty of a misdemeanor and, upon conviction, shall be punished ~~by a fine not exceeding \$500.00~~ shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense; by sentence 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 the person has deposited and any and all litter deposited by anyone else prior to the date of execution of sentence; or the person may be ordered to pick up and remove from any public park, recreation facility, private right-of-way or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited by anyone prior to the date of execution of sentence; or any combination of fine and sentence, in the discretion of the judge.

Sec. 36-108 ~~Prima Facie evidence as to rubbish thrown from motor vehicles.~~

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or other means of conveyance in violation of ~~Section 36-107~~ this article, it shall be prima facie evidence that the operator of the conveyance has violated ~~Section 36-107~~ this article.

(b) When litter which is dumped, deposited, thrown or left on public or private property in violation of ~~Section 36-107~~ this article is discovered to contain any article, including but not limited to letters, bills, publication or other writings which display the

name of a person in such a manner as to indicate that the article belongs or belonged to such a person, it shall be rebuttable presumption that such person has violated Section 36-107.

Sec. 36-109 Spilling of trash, sand, gravel, similar materials from vehicles.

(a) It shall be unlawful for any person, firm or corporation to transport upon any public roads or alleys within the Town dirt, garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone, asphalt or other spillable or blowable material in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling or dropping of its contents on public roads or alleys.

~~(b) It shall be unlawful for any person to transport upon any public roads within the Town material or supplies other than those enumerated in subsection (a) of this Section in a vehicle which is not completely covered or otherwise properly secured in such a manner as to prevent the spilling of its contents on public roads. However, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping of the aforesaid.~~

(c) Upon conviction of violation of Section 36-109, the person ~~may be fined a maximum of \$500.00~~ shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-119. Construction Sites

(a) Litter prohibited. It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter on such site outside of a proper receptacle or to cause, permit, or allow litter or waste to be spilled, discharged, or blown by wind or water. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.

(b) Receptacles required. The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or conveyed as to prevent litter and waste from being spilled, discharged, or blown by wind or water. The primary contractor should determine the number and capacity of receptacles, but no less than one (1) receptacle for worker's litter and no less than one (1) receptacle for construction waste shall be placed at each construction site. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage from overflow and to prevent offensive odors. All receptacles required under this subsection

shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.

(c) Repair and Renovation Exclusion. The requirement for receptacles in this section shall not apply to any construction site on which only repair or renovation of a building is taking place, provided that no litter or construction waste is placed, stored, or otherwise accumulated on the exterior of the property outside of a proper receptacle and any such receptacle is maintained in accordance with this chapter.

(d) Portable toilets required. The owner, agent or contractor in charge of a construction site shall furnish no less than one portable toilet facility on such site but in any event such number sufficient to service the sanitary waste needs for the site. It shall be unlawful for the owner, agent or contractor in charge of a construction site to cause, permit or allow such facility to spill or discharge on the site or into waters located on the site. It shall be the responsibility of the owner, agent or contractor in charge of a construction site to have such facility emptied, serviced and maintained on an “as needed” basis.

(e) Concrete truck washout. It shall be unlawful for the owner, agent or contractor in charge of a construction site to permit and unlawful for the driver operator or other employee on a concrete truck to wash or discharge excess concrete from the chute, pump, drum or barrel of a concrete truck onto a construction site, upon the city right-of-way or city streets.

(f) Chemical storage. Any chemicals stored on a construction site shall be stored in approved containers, properly secured, and it shall be unlawful for the owner, agent or contractor in charge of a construction site to permit the improper storage or disposal of chemicals on a construction site.

Sec. 36-120. Portable toilets.

(a) This section shall not apply to construction sites.

(b) Unless otherwise stated in this section, no portable toilet shall be placed within 100 feet of a residential property line.

(c) For festivals and special events the Town may issue a permit to the property owner allowing portable toilets for a maximum 3-day period.

(d) In every case, property owners shall remove the waste contained in the portable toilets by appropriate industry standards not less than once a week. The Town may require a different time table for portable toilet waste removal for health and sanitation reasons.

Sec. 36-121. Litter Receptacles.

(a) Receptacles required. Every owner, occupant, tenant, or lessee or producer in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate

receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, lessee or producer in control of any property shall determine the number and size of the receptacles, except that no less than one (1) receptacle per 100 attendees shall be placed at each site. Receptacles shall be no less than fifty-five (55) gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his or her own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.

(b) Periodic emptying of receptacles. All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

Sec. 36-119.Sec. 36-122. Enforcement.

All law enforcement agencies, officers and officials of Georgia or any political subdivision thereof or any enforcement agency, officer or any official commission of Georgia or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this ordinance. Enforcement officials specifically include the code enforcement officer for the Town of Sharpsburg and the Coweta County Sheriff.

ARTICLE TWO

This Ordinance shall be codified at Chapter 36 of the Town's Code of Ordinances.

ARTICLE THREE

Any ordinance or any part of any ordinance in conflict herewith is hereby repealed.

ARTICLE FOUR

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE FIVE

The repeal of any stricken or deleted language of this ordinance of the now former language of the Town of Sharpsburg ("Former Language") shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to any

such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language (“New Language”) takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

APPROVED BY THE MAYOR AN COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the ____ day of _____, 2006, by the following voting for adoption:

Wendell L. Staley, Mayor

Derrick McElwaney, Mayor Pro-Tem

Larry W. Hyde, Council Member

J. Clay Cole, Council Member

Standly D. Parten, Council Member

ATTEST:

Donna Camp, Town Clerk

Robin L. Spradlin, Town Administrator