



## **FANNIN COUNTY SOLID WASTE ORDINANCE**

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## ARTICLE I. GENERAL

### Sec. 58-1. Purpose.

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

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

### Sec. 58-2. Short title.

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

### Sec. 58-3. Definitions

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

**General.** Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. The word “person” includes the firm, corporation, association, organization, trust, or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” always be mandatory. The word “may” be permissive and is not mandatory. The term “commissioner” refers to the board of commissioners of Fannin County, Georgia. Reference is made herein to EPD (Georgia Department of Natural Resources **Environmental Protection Division**) definitions listed in the EPD Section 391-3-4-.01 for further clarification and additional definitions. This Ordinance shall supersede any definition conflicts or changes.

**Abandoned Property** means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements shall include, but not be limited to, wrecked, inoperative, or partially

dismantled motor vehicles, trailers, boats, machinery, refrigerators, lawnmowers, washing machines, plumbing fixtures, furniture, and any other similar articles.

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

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

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

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

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

***Composing means*** the controlled biological decomposition of organic solid waste.

***Construction/ demolition waste*** means the waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes, but is not limited to wood brick, metal, concrete, asphalt, wallboard, paper, and cardboard.

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

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

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

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

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

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

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

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

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

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

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

***Household Trash*** means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attended to housekeeping.

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

***Industrial waste*** means all waste, including solids, semisolids, sludges, and liquids, created by factories, processing plants or other manufacturing enterprises.

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

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

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

***Junk vehicle*** includes an automobile, vehicle, trailer, of any kind or type, or mechanical contrivance of part thereof, which is inoperative or junk condition by reason of its having been wrecked, dismantled or partially dismantled, inoperative, and which does not have a valid license plate; or which has been abandoned or discarded according to the definition of abandoned motor vehicle set forth in Official Code of Georgia Annotated, section 40-11-1. For this definition, a vehicle is inoperative if it is incapable of movement by its own power, or if it remains in place for a period of more than seven days, and in either case is within a carport or parking way and driveway.

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

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

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

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

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

***Litter*** means all garbage, refuse, waste materials, sand, gravel, slag, brickbat, rubbish, tin cans, trash debris, seas animals, or any other discarded, used, or unconsumed substance which is not handled in accordance with the provisions of this chapter,

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

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

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

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

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

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

empowerment in solid waste activities, or public or Private Corporation in Fannin County, Georgia, or any other county.

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

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

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

***Pyrolysis*** means the chemical decomposition of materials by heat in the absence of oxygen.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

***Special solid waste*** means any solid waste not otherwise regulated under the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq., and regulation

**promulgation thereunder or originating or produced from or by a source or generator not subject to regulation under O.C.G.A. 12-8-27(g).**

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

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

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

**Sec.58-4 Enforcing officers.**

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

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

**Citation#:** \_\_\_\_\_

**Date issued:** \_\_\_\_\_

**Citation Issued to:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Violation:** \_\_\_\_\_

\_\_\_\_\_

**HEARING:**

A hearing on this matter has been scheduled for \_\_\_\_\_

at \_\_\_\_\_ M., in the Magistrate Court for Fannin County, Georgia, at the Fannin

County Courthouse, 400 West Main Street, Blue Ridge, Georgia.

A Copy of this citation was served on \_\_\_\_\_.

the accused

Adult at the home of the accused by the undersigned.

**Date of Service:** \_\_\_\_\_.

**Time of Service:** \_\_\_\_\_.

\_\_\_\_\_  
**Signature of person achieving service**

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

**Sec. 58-5 Penalty.**

- 1. Any person violating this Ordinance, or any provisions hereof, upon conviction, shall be punished as follows:**
- 2. By fine of not less than \$ 410.00 and not more than \$1000.00, per day and/or by imprisonment in the Fannin County jail for a period not to exceed 60 days or both.**
- 3. In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right of way, for a distance not to exceed one mile, any litter disposed thereon by anyone else prior to the date of the execution of sentence; or**
- 4. In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which can be established by competent evidence that he/she has deposited thereon by anyone prior to the date of execution of sentence.**
- 5. Records of conviction for violation of this chapter shall be a matter of public records.**
- 6. No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the magistrate and required to post a bond for his/her future appearance. (Ord. of 4-24-1990, § 9.1).**
- 7. Upon determination, by the Fannin County Board of Commissioners, that a violation is occurring or has occurred, a notice will be delivered to the violating business, in writing, If the violation (s) are not corrected within Thirty (30) days from the date of the warning, penalties shall begin to accrue.**

**Sec. 58-6 Court proceedings.**

- (a) Violations of this Ordinance shall be tried upon citations or accusations as described in section 58-4(d) and may be tried with or without prosecuting attorney as well as upon accusation. The court attorney or another attorney designated by the board of commissioners shall serve as prosecuting attorney.**

- (b) Violations of this Ordinance shall be tried in the Magistrate Court of Fannin County, Georgia, and shall be tried in accordance with the Official Code of Georgia, chapter 15-10.**
- (c) Nothing in this article shall prevent the board of commissioners from bringing any civil action for injunction, mandamus, or other proceedings to present, correct, or abate any violation of this Ordinance. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy by law.**
- (d) Each violation of this Ordinance shall constitute a separate offence. (Ord. 4-24-1990, § 10.0)**

**Sec. 58-7. Severability.**

**Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared invalid for any reason, the remainder of the said chapter shall not be affected thereby. (Ord. of 4-24-1990, § 10.1)**

**Sec. 58-9 Existing Businesses Compliance.**

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

**(1) Location**

- A. No property for this intended use shall be located 1). within five hundred (500) feet of a residential, commercial, retail, medical or educational use/ area. 2). On a hill / mountain crest, 3). within one thousand (1000) feet of a designated river corridor, 4). within one thousand (1000) feet of the designated Highway 515, development corridor or 5). Within two thousand (2000) feet of a designated stream or body of water.**
- B. Georgia Department of Natural Resources, Environmental Protection Division, guidelines for similar business adjacencies to designated rivers, stream and bodies of water shall govern.**

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

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

**(3) Minimum Building Size**

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

**(4) Setbacks**

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

**(5) Height Restrictions**

- a. Maximum scrap/materials stacking, equipment or building height shall be twenty-five (25) feet as measured from the finish grade at each location.**
- b. All Occupational Safety and Health Administration requirements for working above grade shall be followed.**

**(6) Acceleration and Deceleration Lanes.**

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

**(7) Natural Green/Evergreen Tree Buffer**

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

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

- 1. Parking area(s) shall be provided at four (4) spaces per acre for the purpose of material drop-off and an additional one (1) space per 100 GSF of office are for business (including required ADA space(s). One parking area is intended to be a sole staging or cueing area for the loading and unloading area and employee and customer parking.**
- 2. Parking area(s) shall be designed by a registered and qualified civil engineer or geologist and meet applicable Georgia Department of Transportation, Accessibility and Parking Standards, including proper signage and stripping (if paved).**
- 3. Parking area (s) shall be screened form the public right-of-way and public view by fencing (see fencing section).**
- 4. Parking area (s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.**
- 5. All parking area (s) shall be shown on the site plan for permitting.**

**(9) Loading and Unloading area(s)**

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

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

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

**(11) Fencing and Screening**

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

**(12) Hours of Operation**

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

**(13) Ground Water and Soil Testing**

- 1. Prior to permitting, the Owner shall submit a baseline ground water and soil report, prepared by a registered and qualified engineer or geologist, to document existing conditions on the property.**
- 2. Owner shall secure and present a ground water and soil testing report, prepared by a registered and qualified engineer or geologist, every six (6) months on the anniversary of the Certificate of Occupancy to qualify changes, if any, from the existing condition.**



- 3. The Owner shall provide adequate ground cover vegetation or other ground water and soil protection measures as required by Georgia Soil & Water, green book, to protect adjacent properties from contamination.**

**(14) Soil Erosion**

- 1. In addition to required soil erosion regulations required during construction, the Owner shall provide adequate ground cover vegetation or soil erosion measures as required by Georgia Department of Natural Resources, Environmental Protection Division and Fannin County Land Development Ordinance to protect adjacent properties from contamination and erosion.**

**(15) Fuels and Flammables**

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

**(16) Odors**

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

**(17) Rodent and Varmints**

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

**(18) Fire suppression Access and Resources**

- 1. Property shall be designed to accommodate the Fire Department Vehicles ingress/egress, turning radii, drive aisles and property access per National Fire Protection Agency (NFPA), State and local codes.**
- 2. Fire Suppression access area(s) shall be designed by a registered and qualifies civil engineer per Georgia Code.**
- 3. Fire Suppression access area(s) shall be shown on the site plan for permitting.**

- 4. Fire Extinguishing Resources (Water, etc.) shall be designed and provided on site as determined by local fire management professionals.**

**Sec. 58-11 Variance/ Waiver**

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

**Sec. 58-12 Permitting and Fees.**

- 1. All new businesses being defined within this Ordinance shall apply to the Fannin County Land Development Department for a permit to operate said business within Fannin County.**
- 2. The application for permit shall include a site plan showing all requirements and restrictions listed on Section 58-1, erosion and sediment control plan, a location showing the surrounding one radius mile area, and Georgia Environmental Protection Division (GAEPD) approval plan of operation an identification of compliance with any GAEPD requirements.**
- 3. A Fee of \$250.00 per acre shall be assessed to process, review and evaluate all new permit application. This fee shall be refunded for new businesses, any new location, or expansion of any existing business, if a permit is denied.**

**Sec 58.13 Reserved**

**ARTICLE II. LITTER CONTROL**

**Sec. 58-33 General Prohibitions.**

**(a) *Dumping on public or private property prohibited: exceptions.* It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause of permit the**

**dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in Fannin County, unless:**

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

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

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

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

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

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

shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock.

***(g) Accumulation of used tires.*** No person shall accumulate used vehicle tires in such a manner as to pose a danger to the public health, safety, and welfare. Any used tire accumulation on site shall be kept dry, covered, and free from mosquitoes and other flying, disease spreading insect.

***(h) Transporting Liquid Biosolids.*** There shall be no transporting of liquid biosolids along any County Maintained roads within Fannin County. Leaking or tracking biosolids or sewage onto public roadways is prohibited.

#### **Sec. 58-34 Private Litter control.**

**(A).** Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally to provide letter containers of the character, size, number and type as may be required to hold litter generated by operations of the premises, Specifically, and without limiting the generality of the foregoing, the requirements for these containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations, and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches or property thereof.

**(B).** Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the Fannin County Solid Waste Ordinance, to contain the litter generated by the operations of that parking lot.

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

**(D).** The owner, occupant, and lessee of all property jointly and severally, are required to remove all litter and place the same in proper containers, and vacant lots, borders, parking lots, embankments, fencing, walls, and sidewalks shall be kept free of litter by, and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

#### **Sec. 58-35 Reserved.**

### **Article III. Solid Waste Management**

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

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

#### **Sec. 58-62. Private landfills.**

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

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

**(c.) Maintenance of site. It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.**

**(d.) Inspection by the County. The Fannin County Code Enforcement Officer shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether the site is compliant with this article and all other pertinent laws and regulations of Fannin County.**

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

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

**Sec. 58-65. Applicability of article provisions.**

**The provisions of the article shall apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.**

**Sec. 58-66 Prohibited acts.**

**The following acts are prohibited:**

**(1) Burning. No solid waste may be burned at a solid waste handling facility, disposal site or processing operation. No burning of Solid waste on private property, except for yard waste, trees, limbs, natural non-man manufactured materials.**

**(2) Open Dump. No solid waste may be disposed of by any person in an open dump, nor shall any person cause, suffer, allow, or permit open dumping on his property. (Ord. of 4-24-1990, § 6.3 (3)).**

**Sec. 58-67 Prohibited Wastes.**

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

**Sec. 58-68 Materials destined for recycling.**

**(a) Exemption for article requirements. Materials which are destined for recycling, including but not limited to glass, paper, metal, plastic, rubber are excluded from this article as solid waste. To be considered exempt from this article, the materials must be processed to recover the usable products, employed as an ingredient in an**

industrial process to make a product, or employed in a particular function or application as an effective substitute for a commercial product.

(b) **Materials accumulated speculatively.** Materials accumulated speculatively are solid waste and must comply with all applicable provisions of this article.

(c) **Materials not accumulated speculatively.** A material is not accumulated speculatively if the person accumulating it can show that during the calendar year (commencing on January 1) the amount of materials that is recycled equals at least 60 percent by weight or volume of the materials accumulated at the beginning of the period.

(d) **Proof of recycling.** Proof of recycling shall be provided in the form of manifests, bills of sale, or other records showing adequate proof of movement of the materials in question to a recognized recycling facility for the accumulation point.

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

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

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

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

(2) **Collection operations.**

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

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

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

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

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

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

### **(3) Transfer Stations.**

**(a) Solid Waste to be confined to interior. Solid waste shall be confined to the interior of the transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.**

**(b) Sewage solids excluded. Sewage solids shall be excluded from transfer stations and shall be transported directly to the disposal facility, disposal site or processing operation.**

**(c) Dust, odors, Etc. Dust, odors, and similar conditions resulting from transfer operations shall always be controlled.**

**(d) Rodents, pests, etc. Rodents, insects, and other such pests shall be controlled.**

**(e). Contaminated runoff washes water. Any contaminated runoff wash water shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by Fannin County Board of Commissioners.**

### **(4) Hazardous waste.**

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



**(5) Inert waste landfill operation.**

**a. Only dirt, concrete, rocks, bricks, yard trimmings, and land clearing debris such as stumps, limbs, and leaves, are acceptable for disposal in an inert waste landfill. No industrial or demolition wastes may be accepted.**

**b. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.**

**c. A uniform compacted layer of clean cover no less than one foot in depth shall be placed over all exposed inert waste materials at least monthly.**

**d. The inert landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.**

**e. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.**

**f. Suitable means shall be provided to prevent and control fires. Stockpiled soil is the most satisfactory firefighting material.**

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

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

**Sec. 58-70 Biomedical Waste.**

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

**(1) Pathological Waste, which means all recognizable human tissues and body parts which are removed during surgery, obstetrical procedures, autopsy, and laboratory procedures.**

**(2) Biological waste, which means bulk blood and blood products, exudates, secretions, suctioning and other bulk body fluids which cannot or are not directly discarded into a municipal sewer system.**

**(3) Cultures and stock of infectious agents and associated biologicals including cultures from medical and pathological laboratories, cultures, and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines,**

**and culture dishes and devices used to transfer, and devices used to inoculate and mix cultures.**

- (4) Contaminated animal carcasses, body parts, their bedding, and other wastes for such animals which have been exposed to infectious agents, capable of causing disease in man, during research, production of biologicals or testing of pharmaceuticals.**
- (5) A sharp, which means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached and scalpel blades.**
- (6) Chemotherapy waste, which means any disposal materials which come in contact with cytotoxin/antineoplastic agents (agents toxic to cells) and /or antineoplastic agents (agents that inhibit or prevent the growth and spread of tumors or malignant agents.) Such waste includes, but is not limited to, masks, gloves, gowns empty IV -tubing bags and vials, and other contaminated materials. The above waste must first be classified as empty which means such quantity that is not subject to other federal or state waste management regulations prior to being handled as biomedical waste.**
- (7) Discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, that were in contact with infectious agents.**

***(b) Generation of biomedical waste.***

**(1) This section shall apply to all facilities generating regulated quantities of biomedical waste, including but not limited to clinics, dental offices, funeral homes, health maintenance organizations (HMO), hospitals, laboratories, medical buildings, physicians' offices, spas, veterinary offices, research and manufacturing facilities, nursing homes, and blood banks.**

**(2) In no case shall a person be a generator of biomedical waste if those waste are generated from single-family residential premises or a single-family dwelling unit and disposed of as residential solid wastes**

**(3) The importation for transfer, terminal storage, or disposal of medical or biomedical or biohazardous waste within the geographic limits of Fannin County, a political subdivision of the State of Georgia shall be prohibited.**

***(c) Storage of containment of biomedical waste.***

- (1) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain, and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.**
- (2) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.**
  - a. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The container shall be securely closed to prevent the leakage or expulsion of solid or liquid waste during storage, handling, or transport.**
  - b. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak proof, rigid puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.**
- (3) Rigid containers of discarded sharps and all other disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, dumpsters, or portable bins, The containment system shall have a tight-fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal “Biohazard” on the sides to be readily visible from any lateral direction when the container is upright.**
  - (a) Reusable containers used for the shipment of biomedical waste to a treatment facility of a permitted sanitary landfill shall be thoroughly washed and decontaminated each time they are emptied unless the surface of the containers has been protected from contamination by disposable liners, bags, or other devices removed with the waste.**
  - (b) Reusable pails, drums, dumpsters, or bins used for the containment of biomedical waste shall not be used for other purposes except after being decontaminated by procedures as described in this subsection and after the universal biohazard symbol and word “Biohazard” are removed.**

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

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

**Sec. 58-71 Asbestos**

***(a) Collection***

- (1) Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.**
- (2) Vehicles used to reduce waste volume by compaction shall not be used because containers may rupture.**
- (3) Vacuum trucks used to transport waste slurry must be constructed and operated to ensure that water does not leak from the truck.**

***(b) Disposal***

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

**Sec. 58-73 Disallowed Locations.**

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

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

**Sec. 58-73 Reserved**

**ARTICE V. ABANDONED MOTOR VEHICLES**

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

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

**Sec. 58-125. Abandoning vehicles on public property prohibited.**

**It shall be unlawful to park or let stand any junk vehicle or abandoned vehicle on public property or within Ten (10) feet of a county or state road located in Fannin County.**

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

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

**Sec. 58-128. Enforcement.**

**The enforcement provisions of this chapter as they apply to junk vehicles are not exclusive but shall be in addition to any other**

**regulations and regulatory codes of the State of Georgia or Fannin County. A fine of One Hundred Dollars (\$100.00) per vehicle, per incident shall be assessed, to the property and vehicle Owner, for each week an abandoned or junk motor vehicle is not screened or removed.**

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**Sec. 58-129 Reserved.**

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