



**BALDWIN COUNTY COMMISSIONERS
PUBLIC HEARING AND REGULAR
MEETING**

April 20, 2021

1601 N Columbia St, Suite 220

5:00 PM

MINUTES

MEMBERS PRESENT

Henry Craig
John Westmoreland
Kendrick Butts
Emily Davis
Sammy Hall

ALSO PRESENT

David McRee
Carlos Tobar
Jill Adams
Cindy Cunningham

CALL TO ORDER

Chair Henry Craig called the Public Hearing to order at 5:00 p.m. with Regular Meeting to follow at 6:00 p.m.

PUBLIC HEARING

Solid Waste

Chair Craig opened the Public Hearing to address proposed revisions to Chapter 46 of the Solid Waste Ordinance. The following people addressed the Board:

Julian Hood, 122 Taylor Drive, stated he is in favor of Commissioners adopting revisions to the Solid Waste Ordinance. He stated there is a real problem with junk and trash throughout the County which in turn brings blight. He stated this situation must be dealt with because it only continues to get worse. He agreed that the County ordinances must have means of enforcement in order to get a handle on cleaning up waste. He reported the County has been discussing this problem for many years and many public hearings have been held. He stated he would appreciate a yes vote on the adoption of the Ordinance by all Commissioners which he feels would be a great start to get community cleaned up and attract people to Baldwin County.

Chair Craig opened the floor for comments from Commissioners on the proposed revisions to the Solid Waste Ordinance. There were no comments from Commissioners.

Manufactured Homes

County Manager Carlos Tobar reported one minor change has been made to Section 16-49 (d) as follows: the words "or new owner" have been added to read:

The placement of manufactured homes outside of a mobile home park and outside one quarter mile from the shores of Lake Sinclair, does not apply if a current owner "or new owner" had one on the parcel in the last five years, has access to working septic tank or county sewer, and is limited to one residential structure per parcel.

Chair Craig opened the floor for public comment on Section 16-49 General Design Requirements (Manufactured Homes). The following people addressed the Board: James Toole, Ray Woodall and Cindy Humphrey.

Speakers stated objections to various parts of the proposed regulations, as summarized below, to include: building square footage; placement of manufactured homes outside a mobile home park only if the preponderance of homes, 51% or higher, are manufactured or mobile homes within 1/4 mile radius of proposed homesite; regulation that no manufactured home may be placed within 1/4 mile of shores of Lake Sinclair; regulation of only one residential structure per parcel; requirement of permanent foundation; and concerns that the policy takes away the opportunity for citizens to have affordable housing.

Chair opened the floor for comments from Commissioners.

Commissioner Hall stated he does have concerns about the proposed Ordinance, i.e., recommended a revision to the Ordinance to include description of property in acreage not "parcel"; expressed concerns about limiting singlewide homes. He commented the County works to attract industry and to provide a means of affordable housing.

Property Standards

Chair Craig opened the floor for public comment on Article V – Property Standards. The following people signed in to address the Board: Julian Hood, Terese Womack, Gary Spillers, Kim Stewart. Speakers stated they are in favor of the County implementing policies to establish property standards to help clean up the County. They stated they feel property standards go hand in hand with solid waste, and the County must have a vehicle to have junk, trash, and debris cleaned up.

Matt McGee questioned how the County will regulate and enforce the Ordinance, stating he felt the County must make laws that can be enforced. He stated the County should not impose fines on citizens; but, empower them to help each other.

Dr. Damian Francis, CGSU, stated he and citizens' groups have held meetings in Oconee Heights and Harrisburg to determine needs of the areas. These groups support the County implementing property standards. He recommended the County seek grant funds, develop strategic plans and declare neighborhood empowerment and revitalization zones. He discussed adding language to the Property Standards Ordinance to allow for grant funding availability based on income to help citizens obtain assistance for cleaning up their properties.

The following citizens provided further comments: John Toole stated each person should be responsible for their own property, and the County should not spend tax dollars to clean up for individuals. Matt McGee recommended people who need help with cleanups should have an avenue to sign up for assistance. Mack Flemister stated he lives on Sinclair Marina Road and strongly believes in property rights; however, people must take care of their own property.

County Manager Tobar discussed additional revisions to Section 18-201 – Exterior Property Areas - rodent harborage; and Abandoned Vehicles (2) – "requiring vehicle to be covered with waterproof cover".

Mr. Tobar reported the County has not taken anyone to court nor collected any money on fines from violations of property standards; people are complying voluntarily.

County Manager Tobar reported various organizations and individuals have spent countless hours providing cleanup assistance throughout the County. Dr. Francis responded he felt this is not sustainable. He felt the County has to have something procedural.

There being no further comments, Commissioner Sammy Hall made a motion to adjourn the Public Hearing at 5:40 p.m. Vice Chair John Westmoreland seconded the motion and it passed unanimously.

REGULAR MEETING

Chair Henry Craig called the April 20, 2021 Regular Meeting of the Baldwin County Commissioners to order at 6:00 p.m.

Chapter 46 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 46-1. - Purpose.

The Board of Commissioners of Baldwin County, a political subdivision of the State of Georgia, hereby enacts this article in furtherance of its responsibility to protect the public health, safety, and well-being of the citizens of Baldwin 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 well-being of the public and do not unduly degrade the quality of the environment.

Additionally, the Board of Commissioners of Baldwin County desires 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. 46-2. - Short title.

This chapter shall be known and may be cited as "The Solid Waste Ordinance of Baldwin County, Georgia."

Sec. 46-3. - Definitions.

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

General. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes the firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word "shall" is always mandatory. The word "may" is permissive and is not mandatory. The term "commissioners" refers to the Board of Commissioners of Baldwin County, Georgia. Reference is made herein to EPD definitions listed in EPD Section 391-3-4-.01 for further clarification and additional definitions. This chapter 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 airplanes, motor vehicles, trailers, boats, machinery, refrigerators, lawnmowers, washing machines, plumbing fixtures, furniture and any other similar articles.

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

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

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

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

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

Composting means the controlled biological decomposition of organic solid waste.

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

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

Designated river corridor in Baldwin County means the Oconee River, which is a water supply watershed protection area and is protected by the State of Georgia.

Designated streams in Baldwin County mean all streams.

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 on that property or premises shall be acting and deemed to be a Solid waste handling facility and shall, therefore, be governed by this chapter and shall be required to obtain a permit to function as such.

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

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

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

Fence means an enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening,

or confinement, including brick or concrete walls but not including hedges, shrubs, trees or other natural growth.

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

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

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

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

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

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

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

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

Infectious waste means all biomedical wastes as defined in section 46-70.

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

Junk vehicle includes an airplane, 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 O.C.G.A. 40-11-1. For the purpose of this definition, a vehicle is inoperative if it is incapable of movement by its own power, or if it remains in place for a period of more than seven days, and in neither case is within a carport or parking way and driveway.

Junk/salvage yard means any property involving the abandonment, parking, storage, purchase, sale or disassembly of junked or inoperable vehicles or junked machinery. The abandonment, storage, sale, or resale of used auto parts, tires, scrap metal, metal, used plumbing fixtures, used clothing, used toys, 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 shall be acting and deemed to be a solid waste handling facility and shall, therefore, be governed by this chapter and shall be required to obtain a permit to function as such.

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

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

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

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

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

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

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

Open dump means a disposal site at which solid waste from one or more source(s) 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 chapter.

Person means Baldwin 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 Baldwin 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 Baldwin County, Georgia, or any other county.

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

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

Public View means visible from the public right-of-way.

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

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

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

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

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

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

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

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

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

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

Secondary metals recycler means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, whether or not engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of preparing grades and having an existing or potential economic

value. Secondary metals recyclers shall be also governed by Senate Bill 82 effective, as passed, on July 1, 2009.

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

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

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

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

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

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

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

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.

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. 46-4. - Enforcing officers.

- (a) Any law enforcement personnel employed by the Baldwin County sheriff's department shall be empowered to enforce the provisions of this chapter.
- (b) The Board of Commissioners hereby names the Baldwin County Code Enforcement Officer to serve as its designee for the purpose of reporting on and/or enforcing the provisions of said chapter.
- (c) The Code Enforcement Officer, the duly authorized designee of the Board of Commissioners, together with any law enforcement officer of the Baldwin County sheriff's department, shall be authorized to issue citations to violators of any provision of the subject ordinance, or to the owner or any other persons who may be in possession of any property upon which any condition exists which constitutes a violation of any provision of this chapter. The form of said citation is attached hereto as "Exhibit A" and/or the Uniform Traffic Citation, by the adoption of the [ordinance] resolution from which this section is derived, approved by the Baldwin County Board of Commissioners.

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

	Citation #: _____
Citation Issued to:	Date Issued: _____
NAME:	_____
Address:	_____

VIOLATION:	

HEARING:



A hearing on this matter has been scheduled for _____ at _____ AM/PM, in the Magistrate Court for Baldwin County, Georgia, at the Baldwin County Courthouse, 121 N. Wilkinson Street, Milledgeville, Georgia 31061.

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

Sec. 46-5. - Penalty.

- (a) Any person violating this chapter, or any provision hereof, upon conviction, shall be punished as follows:
- (1) By fine of not less than \$500.00 and not more than \$1,000.00, per day and/or by imprisonment in the Baldwin County jail for a period not to exceed 60 days or both;
 - (2) 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
 - (3) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he/she has deposited thereon by anyone prior to the date of execution of sentence.
- (b) Records of conviction for violation of this chapter shall be a matter of public record.
- (c) No person accused of violating this chapter 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.
- (d) Upon determination, by the Baldwin 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 30 days from the date of the warning, penalties shall begin to accrue.

Sec. 46-6. - Court proceedings.

- (a) Violations of this chapter shall be tried upon citations or accusations as described in section 46-4(c) and may be tried with or without a prosecuting attorney as well as upon accusation. The court attorney or another attorney designated by the Board of Commissioners shall serve as prosecuting attorney.

- (b) Violations of this chapter shall be tried in the magistrate court of Baldwin County, Georgia, and shall be tried in accordance with the O.C.G.A., 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 chapter. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy by law.
- (d) Each violation of this chapter shall constitute a separate offense.

Sec. 46-7. - Severability.

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

Sec. 46-8. - Repeal of conflict ordinance.

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

Sec. 46-9. - Existing businesses compliance.

All solid waste areas, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations and solid waste transfer stations which are in existence in Baldwin County prior to the enactment date of the ordinance from which this chapter derives are required to and shall comply with all items within the following subsections 46-10: (4), (5), (7), (8), (9), (11), (12), (15), (16), (17), (18), et al., of this chapter within 12 months of the effective date of the enactment of the ordinance from which this chapter derives.

Sec. 46-10. - Property/land requirements and restrictions.

All new or applying solid waste areas, junkyards, salvage yards, used auto parts yards, secondary metal recyclers, recycling centers, transfer stations and solid waste transfer stations which are seeking location in Baldwin County after the enactment date of the ordinance from which this chapter derives are required to and shall comply with all items within section 46-10.

(1) *Location.*

- a. No property for this intended use shall be located 1) within 500 feet of a residential, commercial, retail, medical or educational use/area, 2) on a hill/mountain crest, 3) within 1,000 feet of a designated river corridor, 4) within 1,000 feet of the designated Highway 515 development corridor or 5) within 2,000 feet of a designated stream or body of water.
- b. EPD guidelines for similar business adjacencies to designated rivers, streams and bodies of water shall govern.

(2) *Minimum and maximum lot size.*

- a. Property for this intended use shall be limited to be no smaller than five acres and be no larger than 25 acres in each instance.

(3) *Minimum building size.*

- a. A minimum required building area of ten 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 operation of the business, including but not limited to storage, parking, office, loading/unloading and material handling area(s) shall be 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 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/material stacking, equipment or building height shall be 25 feet as measured from the finish grade at each location.
- b. All OSHA requirements for working above grade shall be followed.

(6) *Acceleration and deceleration lanes.*

- a. Property shall be designed with appropriate acceleration and deceleration lanes per Georgia Department of Transportation Code from public right-of-way on any state highway or any two-lane, paved or gravel, county roadway.

(7) *Natural green/evergreen tree buffer.*

- a. Property development shall include a 20-foot-wide, solid, ten-foot tall (at time of installation) solid, natural green/evergreen tree Buffer within the designated Setback area outside designated fenced areas or shall be fenced as required by this chapter.

(8) *Parking area(s) for employees and customers.*

- a. Parking area(s) shall be provided at four spaces per acre for the purpose of material drop-off and an additional one space per 100 GSF of office area for business (including required ADA space(s)). One parking area is intended to be the sole staging or cueing area for the loading and unloading area and employee and customer parking.
 - b. 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).
 - c. Parking area(s) shall be screened from the public right-of-way and public view by fencing (see fencing section).
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- d. Parking area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
- e. All parking area(s) shall be shown on the site plan for permitting.

(9) *Loading and unloading area(s).*

- a. 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.
- b. Loading and unloading area(s) shall be screened from the public right-of-way by fencing (see fencing section).
- c. Loading and unloading area(s) shall be graveled or paved per Georgia Department of Transportation paving standards for heavy vehicles.
- d. Loading and unloading area(s) shall be shown on the site plan for permitting.
- e. Any mud or debris coming from the business onto public roadways from trucks or cars exiting the property shall be cleaned, at the business owner's expense, from public roadways.

(10) *Storm water retention/detention area(s).*

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

(11) *Fencing and screening.*

- a. The perimeter of said area(s) used for any and all purposes described in this chapter, running along property lines/setbacks or easements shall be provided with a visually solid, screening-type fence to a height of ten feet or shall be provided with the natural green/evergreen tree buffer as required by this chapter.
 - b. The required fence shall be constructed of materials, means and methods so as to provide a permanent, solid (top to bottom), structurally stable and attractive screen for the operations and materials contained within the property.
 - c. The required fence shall be maintained by the owner to be kept free from visible penetrations or damage as seen from the exterior.
 - d. The required fence shall be of such a height so as to screen stored, handled and loaded/unloaded materials and parking areas from view from the outside adjacent property owners, public right-of-way(s) and property owners that have visual access to the property within a 200-foot radius from all property lines. However, no fence shall be required to be above ten feet tall.
 - e. Fence design and engineering shall be submitted for review and approval prior to permit approval.
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(12) *Hours of operation.*

- a. Exterior, uncontained, noise-generating business operations shall not be limited to the hours of operation but may be restricted if deemed a public nuisance by the Baldwin County Board of Commissioners.
- b. Hours of said operations shall be posted at the access point(s) to the property.
- c. 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.*

- a. 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.
- b. Owner shall secure and present a ground water and soil testing report, prepared by a registered and qualified engineer or geologist, every six months on the anniversary of the certificate of occupancy to quantify changes, if any, from the existing condition.
- c. The owner shall provide adequate ground cover vegetation or other ground water and soil protection measures as required by Georgia code to protect adjacent properties from contamination.

(14) *Soil erosion.*

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

(15) *Fuels and flammables.*

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

(16) *Odors.*

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

(17) *Rodents and varmints.*

- a. Stagnant water shall not be allowed to accumulate.
- b. Properties found to contribute to an uncontrolled festering of rodents and/or varmints shall be subject to penalties.

(18) *Fire suppression access and resources.*

- a. Property shall be designed to accommodate fire department vehicles ingress/egress, turning radii, drive aisles and property access per NFPA, state and local codes.
- b. Fire suppression access area(s) shall be designed by a registered and qualified civil engineer per Georgia Code.
- c. Fire suppression access area(s) shall be shown on the site plan for permitting.
- d. Fire extinguishing resources (water, etc.) shall be designed and provided on site as determined by local fire management professionals.

Sec. 46-11 - Variance/waiver.

A variance and/or waiver to any of the requirements and restrictions of section 46-10 may be requested. The process for applying for said variance and/or waiver shall be to submit said request to the Baldwin County Board of Commissioners, in writing, 30 days prior to any action. The Baldwin County Board of Commissioners shall have time to review, discuss, visit and make recommendation. The Baldwin County Board of Commissioners shall grant, deny or amend the recommendation and shall pass final judgment and all requested variance and/or waiver.

Sec. 46-12 - Permitting and fees.

- (a) All new businesses being defined within this chapter shall apply to the Baldwin County Planning and Development Department for a permit to operate said business within Baldwin County.
- (b) The application for permit shall include a site plan showing all requirements and restrictions listed in section 46-10, erosion and sediment control plan, a location showing the surrounding one radius mile area, an EPD approved plan of operation and identification of compliance with any EPD requirement.
- (c) A fee of \$250.00 per acre shall be assessed to process, review and evaluate the permit application. This fee shall be refunded if permit is denied and is applicable upon application of new businesses, any new locations or expansion of any existing business.

Secs. 46-13—46-32. - Reserved.

ARTICLE II. - LITTER CONTROL

Sec. 46-33. - General prohibitions.

- (a) *Dumping on public or private property prohibited; exceptions.* It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any road or street or any public or private property in Baldwin County, unless:
 - (1) The property is designated by the state of Georgia or Baldwin County or by any of their agencies for the disposal of litter and the person is authorized by the proper public authority to use such property.
 - (2) The litter is placed into the litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter; or
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- (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in manner consistent with the public welfare, and out of public view.
- (b) *Public streets and private property.* No person shall place any accumulations of litter or household trash in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent of the owner thereof, and then only in accordance with the provisions of this chapter.
- (c) *Blockage of storm drains or draining ditches.* No person shall place any refuse, trash, refuse receptacles, or containers on, over, or near any storm drain or draining ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
- (d) *Unauthorized storage.* Any accumulation or refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by the chapter is hereby declared to be a nuisance. Failure of the owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the commissioner of his/her designee shall raise the presumption that such person intended to violate this chapter.
- (e) *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other containers which has an airtight snap lock or similar device without first removing therefrom the lock or door. This section shall not apply to any appliance, refrigerators or containers which have been placed adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof, or is left outside for pickup with a pre-arranged appointment with a solid waste handler.
- (f) *Transportation of loose materials.* It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without suitable covers securely fastened to the vehicle, provided that the transported materials present a danger of falling from the vehicle. This section shall apply to the transportation of any garbage, refuse, litter, household trash or other material of any kind to any disposal site, which includes but is not limited to any dumpster or sanitary landfill. This section shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock.
- (g) *Accumulation of used tires.* No person shall accumulate used vehicle tires in such a manner as to pose a danger to the public health, safety and welfare. Any used tires accumulated on site shall be kept dry, covered and free from mosquitoes and other flying, disease spreading insects. Tires of any description will not be placed in dumpsters under any circumstance. Tires will only be placed in the county landfill at designated locations, or is left outside for pickup with a pre-arranged appointment with a solid waste handler.

Sec. 46-34. - Public dumpsters.

- (a) *Location.* The Board of Commissioners may designate areas in Baldwin County where dumpsters, intended to be for public use, may be located and maintained. These dumpsters may be located on public property, along the right-of-way of public roads or streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and may be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment in minimal.
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- (b) *Use by Baldwin County residents; unlawful deposits; signs.* It shall be unlawful for any person or persons of Baldwin County, Georgia, to place or deposit any garbage, refuse, litter, household trash or other material of any kind, not generated within the boundaries of Baldwin County, Georgia, in these dumpsters. There shall be located on each dumpster a placard or sign, or a placard or sign shall be posted in an area near a dumpster, visible to persons depositing garbage, stating that said dumpsters are solely intended for the use of residents of Baldwin County, Georgia, and that it is unlawful to deposit anything other than garbage or household trash therein.
- (c) *Industrial waste, building materials and commercially collected garbage.* It shall be unlawful to place or deposit industrial waste or building materials or commercially collected garbage in public dumpsters unless they are specifically designated for such use by the Board of Commissioners or its designee.
- (d) *Hazardous refuse.* It shall be unlawful to place or deposit any hazardous refuse of any kind in the dumpsters.
- (e) *Hospitals and health care units.* All used hypodermic needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. Once used, hypodermic needles should be put into a puncture resistant container for disposal by the on-site incinerator at the Baldwin Regional Hospital.
- (f) *Ashes.* Ashes deposited in the dumpsters shall not be permitted.
- (g) *Combustible liquids.* No highly combustible liquid shall be placed or deposited in the dumpsters.
- (h) *Noxious or toxic materials.* No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of Baldwin County, or which would pose a danger to the wildlife of the county, shall be placed or deposited in the dumpsters.
- (i) *Garbage or trash to be bagged.* It shall be unlawful to place or deposit any garbage or household trash in the dumpster without first placing and securing such in a garbage bag of suitable strength and thickness. Objects which could puncture the garbage bag in the course of ordinary and intended use thereof shall be wrapped or protected so that the bag shall remain intact.
- (j) *Placement of trash on ground adjacent to container.* It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the dumpster or in any location other than the dumpster. Any person using the dumpster shall clean up any spills caused by his/her use of the dumpster and shall not drop or discard any garbage or household trash in the area surrounding the dumpster. A fine of \$100.00 shall be assessed if convicted for each first-time offense.
- (k) *Dead animals.* Dead animals shall not be placed or deposited in the dumpster.

Sec. 46-35. - Scavenging.

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

Sec. 46-36. - Private litter control.

- (a) Every owner, occupant, tenant and lessee using or occupying any commercial, institutional, or industrial building or property shall be obliged, jointly and severally, to provide litter containers of the character, size, number and type as may be required to hold litter generated by operations of the premises. Specifically, and without limiting the generality of the foregoing, the requirements for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches or property thereof.
- (b) Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the Board of Commissioners, or its designee, to contain the litter generated by the operations of that parking lot.
- (c) Property owners and prime contractors in charge of a construction site shall be jointly and severally required to furnish litter containers for discarded building materials and other construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.
- (d) The owner, occupant, and lessee of all property, jointly and severally, are required to remove all litter and place the same in proper containers, and vacant lots, borders, parking lots, embankments, fencing, walls and sidewalks shall be kept free of litter by those persons. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

Secs. 46-37—46-60. - Reserved.

ARTICLE III. - SOLID WASTE MANAGEMENT

Sec. 46-61. - Collection; permit required; exception.

It shall be unlawful for any person to collect refuse or solid waste within the county except for his/her own residence, business or individual plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and without first having obtained a Baldwin County solid waste business permit from the land development office of Baldwin County, which is governed by this chapter.

Sec. 46-62. - Private landfills.

- (a) *Permits required; application.* It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used by the owner or used by others for the disposal or storage of waste without first having filed the proper application for a special use permit with the Baldwin County Board of Commissioners. The owner of any landfill must also obtain a proper permit from the Department of Natural Resources Environmental Protection Division, O.C.G.A. Chapter 391-3-4, solid waste management.
 - (b) *Issuance of permit; compliance with federal, state and county laws.* No permit shall be issued by Baldwin 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
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will be complied with in the operation and management of the landfill, solid waste handling facility, and that the locations of said landfill, solid waste handling facility is such that there is no or minimal detriment to the environment, including, but not limited to, noxious odors, runoff, or contamination of surface water and groundwater, to that the maximum protection is afforded to the health, safety and well-being of the citizens of Baldwin County.

- (c) *Maintenance of site.* It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- (d) *Inspections by county.* The Board of Commissioners shall designate county employees and its designees shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this article and all other pertinent laws and regulations of Baldwin County.

Sec. 46-63. - Public landfills.

- (a) *Location; compliance with federal and state laws.* Baldwin County, through the Board of Commissioners, may operate and maintain public landfills or solid waste handling facility located on County owned or leased property and in compliance with all applicable state and federal laws and regulations.
- (b) *Directional signs to be posted.* Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location.
- (c) *Maintenance; opening of new sites.* Such sites shall be maintained while in use until permanently closed, at which time additional authorized sites may be opened and publicized by posting notices and through public advertisements.
- (d) *Restrictions on types of refuse.* The Board of Commissioners may restrict certain sites or portions thereof to a specific type or types of refuse.
- (e) *Commercial collections.* Commercial collections, including yard maintenance men, may use the public designated sites.
- (f) *Fee.* Residents of Baldwin County, other than commercial collectors, may use public sites upon payment of a fee, if any, to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instructions of the site attendant.
- (g) *Refuse generated outside county.* No refuse generated outside Baldwin County will be accepted at any disposal site.
- (h) *Hours of operation.* Authorized public disposal sites may be operated as designated by the Board of Commissioners or its designee.
- (i) *Attendant required to be present; deposited material becomes property of the county.* No person shall enter a disposal site except when an attendant is present and during the hours and days stipulated by the Baldwin County Board of Commissioners. All material delivered and deposited in a disposal site shall immediately become the property of Baldwin County.

Sec. 46-64. - 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 Baldwin County; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the groundwater or surface water; impair the quality of the environment; or likely create other hazards to the public health, safety or well-being as may be determined by the Baldwin County Board of Commissioners.

Sec. 46.65. - Applicability of article provisions.

Provisions of this article shall apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

Sec. 46-66. - Prohibited acts.

The following acts are prohibited:

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

Sec. 46-67. - Prohibited wastes.

If, because of unusual physical or chemical properties, or geological or hydrological conditions, or for other reasons, the Baldwin County Board of Commissioners finds that solid waste should be accepted at a solid waste handling facility, the Baldwin 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 Baldwin 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.

Sec. 46-68. - Materials destined for recycling.

- (a) *Exemption from article requirements*. Materials which are destined for recycling, including but not limited to paper, metal, plastic, rubber are excluded from this article as solid wastes. To be considered exempt from this article, the material must be processed to recover the usable product, employed as an ingredient in an industrial process to make a product, or employed in a particular function or application as an effective substitute for a commercial product.
 - (b) *Materials accumulated speculatively*. Materials accumulated speculatively are solid waste and must comply with all applicable provisions of this article.
 - (c) *Materials not accumulated speculatively*. A material is not accumulated speculatively if the person accumulating it can show that during the calendar year (commencing on January 1) the amount of material that is recycled equals at least 60 percent by weight or volume of the material accumulated at the beginning of the period.
 - (d) *Proof of recycling*. Proof of recycling shall be provided in the form of manifests, bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility from the accumulation point.
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Sec. 46-69. - Permit by rule for collection, transportation and disposal.

- (a) *Responsibility for collection.* The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution or similar facility to a solid waste handling facility operating in compliance with this article unless arrangements have been made for such service with a collector operating in compliance with this article.
- (b) *Permit by rule.* Notwithstanding any other provision of this article, the following collection, transportation, and disposal operations shall be deemed to have a solid handling permit if the conditions listed are met:
 - (1) *Notification.* Within 30 days of the effective date of the ordinance from which this article is derived or of commencing solid waste handling activities which are covered under a permit by ordinance, notification must be made to the Baldwin County Board of Commissioners of such activity. Notification shall be made by letter to the Baldwin County Board of Commissioners. Persons failing to notify the Baldwin County Board of Commissioners of such activities shall be deemed to be operating without a permit.
 - (2) *Collection operations.*
 - a. *Vehicle construction.* Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or rubbish containing such wastes, shall be covered, substantially leak proof, durable, and of easily cleanable construction.
 - b. *Vehicle maintenance.* Solid waste collection and transportation vehicles shall be cleaned frequently to prevent threats to human health and shall be maintained in good repair.
 - c. *Littering and spillage.* Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent the blowing or falling of material from the vehicle.
 - d. *Hazardous waste.* No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act.
 - e. *Wastewater from the cleaning vehicles.* All wastewater from the cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.
 - f. *Deposit in permitted handling facility.* All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.
 - (3) *Transfer stations.*
 - a. *Solid waste to be confined to interior; maintenance.* Solid waste shall be confined to the interior of the transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.

- b. *Sewage solids excluded.* Sewage solids shall be excluded from transfer stations and shall be transported directly to the disposal facility, disposal site or processing operation.
- c. *Dust, odors, etc.* Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
- d. *Rodents, pests, etc.* Rodents, insects and other such pests shall be controlled.
- e. *Contaminated runoff washes water.* Any contaminated runoff wash water shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by Baldwin 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 Baldwin County without giving 30-day prior notice to the Baldwin County Board of Commissioners so they may act upon such matter prior to hazardous waste being allowed into or stored in Baldwin County.

(5) *Inert waste landfill operation.*

- a. Only dirt, concrete, rocks, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. No industrial or demolition wastes may be accepted.
- b. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- c. A uniform compacted layer of clean cover no less than one foot in depth shall be placed over all exposed inert waste material at least monthly.
- d. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- e. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
- f. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.
- g. A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.
- h. Notice of final closure must be provided to the Baldwin County Board of Commissioners within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of this article unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

Sec. 46-70. - Biomedical waste.

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

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

(b) *Generation of biomedical waste.*

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

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

- (1) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
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- (2) Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
 - a. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent the leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
 - b. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak proof, rigid puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - (3) Rigid containers of discarded sharps and all other disposable containers used for the containment of biomedical waste shall be red or orange in color or clearly identified with the universal biohazard symbol or clearly marked with the word "biohazard."
 - (4) Biomedical waste contained in disposable containers as prescribed above shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, dumpsters, or portable bins. The containment system shall have a tight-fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
 - a. Reusable containers used for the shipment of biomedical waste to a treatment facility of a permitted sanitary landfill shall be thoroughly washed and decontaminated each time they are emptied unless the surfaces of the containers have been protected from contamination by disposable liners, bags, or other devices removed with the waste.
 - b. Reusable pails, drums, dumpsters or bins used for the containment of biomedical waste shall not be used for other purposes except after being decontaminated by procedures as described in this subsection and after the universal biohazard symbol and word "biohazard" are removed.
- (d) *Transfer of biomedical waste to off-site treatment or disposal facilities.*
- (1) Any generator of biomedical waste shall transfer custody of the waste only to a collector who is operating under authority of this section.
 - (2) Biomedical waste shall not be transported in the same vehicle with other solid waste unless the biomedical waste is contained in a separate, fully enclosed leak proof container within the vehicle compartment or unless all of the waste is to be treated as biomedical waste in accordance with the requirements of this chapter.
 - (3) Biomedical waste shall be delivered for storage, including intermediate transfer, and treatment only to a facility or location for which there is a valid and appropriate operating permit as set forth in this section.
 - (4) Surfaces of transport vehicles that have contacted spilled or leaked biomedical waste shall be decontaminated.
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- (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. 46-71. - 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 to be disposed of only in a permitted sanitary landfill authorized by the Baldwin County Board of Commissioners for acceptance of asbestos containing waste.
- (2) Asbestos waste shall be sealed in leak proof containers labeled with: "Caution — Contains Asbestos Fibers—Avoid Opening or Breaking Container—Breathing Asbestos is Hazardous to Your Health."
- (3) Asbestos waste shall be disposed of in such a manner as not to destroy the integrity of the asbestos-containing materials containers. This waste shall be covered immediately with other solid waste or soil.
- (4) Asbestos waste must be completely covered immediately after deposition with a minimum of six inches of nonasbestos material.

Sec. 46-72. - Liquid waste restrictions at sanitary landfills.

One hundred eighty days after the effective date (5-19-2009) of the ordinance from which this section is derived, the following restrictions will apply:

- (1) Liquid waste, either bulk or containerized, shall not be placed in a sanitary landfill except as otherwise provided in this section.
- (2) If liquid waste is demonstrated nonhazardous and is admixed with a bladeable material into a bladeable form, it is acceptable for disposal at a sanitary landfill with the concurrence of the sanitary landfill operator.
- (3) Gas condensate and recirculated leachate disposal at sanitary landfills may be approved on a case-by-case basis by the Baldwin County Board of Commissioners if sufficient evidence is provided to the Baldwin County Board of Commissioners to warrant such disposal.

Sec. 46-73. - Disallowed locations.

- (a) No solid waste handling facilities, junkyards, salvage yards, used auto parts yards, recycling centers, transfer stations, construction/demolition transfer stations, landfill and solid waste
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transfer stations or any other such business shall be located within 1,500 feet of a school, public park, childcare facility, hospital, church, residential subdivision, designated forest, waterway or scenic landmark.

- (b) Distance of 1,500 feet shall be measured by the shortest distance from any point between properties.

Secs. 46-74—46-102. - Reserved.

ARTICLE IV. - CLASSIFICATION OF REFUSE DISPOSAL

Sec. 46-103. - Domestic refuse.

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

- (1) Garbage.
- (2) Business trash.
- (3) Refuse.
- (4) Household trash.

Sec. 46-104. - Industrial waste.

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

- (1) Industrial waste.
- (2) Hazardous refuse.

Sec. 46-105. - Building materials.

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

Secs. 46-106—58-123. - Reserved.

ARTICLE V. - ABANDONED MOTOR VEHICLES

Sec. 46-124. - Unlawful; disposal by county.

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

Sec. 46-125. - Disposal at dumpster or landfill.

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

Sec. 46-126. - 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 Baldwin County. A fine of \$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.

ARTICLE V. - PROPERTY STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-101. - Title.

The title of this article shall be the "Baldwin County Property Standards Ordinance" and may be cited hereinafter as "this article."

(Ord. of 9-16-2014)

Sec. 18-102. - Purpose.

The purpose of this article is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the county. This ordinance is based on complaints from the public.

(Ord. of 9-16-2014)

Sec. 18-103. - Scope.

This article shall apply to all commercial, office, industrial, multi-family, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

(Ord. of 9-16-2014)

Sec. 18-104. - Interchangeability.

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

(Ord. of 9-16-2014)

Sec. 18-105. - Definitions.

Terms not defined herein shall have their meaning as defined in the land use regulations, the development regulations, and the construction codes, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

Approved means approved by the code official.

Basement means that portion of a building which is partly or completely below grade.

Detached means a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Dilapidated means falling to pieces or into disrepair; broken down; shabby and neglected.

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 on that property or premises shall be acting and deemed to be a Solid waste handling facility and shall, therefore, be governed by this chapter and shall be required to obtain a permit to function as such.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

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, used clothing, used toys, 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 shall be acting and deemed to be a solid waste handling facility and shall, therefore, be governed by this chapter and shall be required to obtain a permit to function as such.

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

Maintenance means the act of keeping property and structures in a proper condition so as to prevent their decline.

Occupancy means the purpose for which a building is utilized or occupied.

Occupant means any individual living or sleeping in a building; or having possession of a space within a building or of the premises themselves.

Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or as recorded in the official records of the State of Georgia or Baldwin County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, partnership or any other group acting as a unit.

Pest Elimination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises means a lot, plot or parcel of land including any structures thereon.

Public View means visible from the public right-of-way.

Rooming House means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Sanitary means an exterior condition that is free of infestation; unusual and excessive rodent residues such as droppings, urine, gnaw marks, grease marks, or nest debris; unusual and excessive insect residues such as droppings, debris, or body parts; human or unusual and excessive animal waste; mold; wastewater; sewage; rotting material; and accumulation of trash or garbage.

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

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

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

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

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

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

Trash means combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior, broken plastic-injected molded chairs, tables or other items, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

(Ord. of 9-16-2014)

Sec. 18-106. - Penalties:

- (a) *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the county and shall be punished as a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (b) *Powers of the court.* The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment allowed by law.
- (c) *Other legal remedies.* In any case in which a violation of this article has occurred, the county, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity and this article shall be considered cumulative, and not restrictive, as to other remedies and actions that may be pursued by county.

(Ord. of 9-16-2014)

Sec. 18-107. - Transfer of ownership.

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building, premises, or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the code administrator or designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of

violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

(Ord. of 9-16-2014)

Sec. 18-108. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 9-16-2014)

Sec. 18-109. - Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements; and
- (2) Deemed neither to limit nor repeal any other powers granted under the ordinances of Baldwin County or any state statutes.

(Ord. of 9-16-2014)

Secs. 18-110—18-200. - Reserved.

DIVISION 2. - PROPERTY

Secs. 18-201.— Exterior Property Areas

Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil, proper drainage to ditch or retention area and not onto neighboring property, and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* retention areas and reservoirs.

Sidewalks and driveways. All privately constructed sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions in a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure*.

Rodent harborage. All *structures* and *exterior property* shall be kept free from rodent harborage and *infestation* through accumulation of vines, brushes, trees, any accumulation of dead weeds, grass, or other *solid waste*. Where rodents are found, they shall be promptly exterminated by

approved processes which will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Accessory structures. All accessory *structures*, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

Abandoned Vehicle. A vehicle, including airplanes, cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle that is within *public view* that meets one or more of the following conditions:

- (1) Has been left unattended upon a street, or alley or other public property outside a designated parking space for a period of 48 hours; and/or,
- (2) Is inoperable, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, AND without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 90 days unless ongoing significant, visible, and definable work on vehicle is in progress unless vehicle is neatly covered with a weatherproof cover, anchored to the vehicle and in a *sanitary* condition.

Painting of vehicles for commercial purposes is prohibited.

Defacement of property. No *person* shall willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

Secs. 18-202. – Trash, Garbage, Solid Waste

Accumulation of *trash, garbage or solid waste*. All *exterior property* and *premises*, shall be free from any accumulation of *trash, garbage or solid waste*.

Exception: This section does not apply to composts.

Disposal of trash. Every *occupant* of a *structure* shall dispose of all *trash* in a clean and *sanitary* manner by placing such *trash* in *approved* containers outside of *public view*.

- (1) Trash storage facilities. The *owner* of every *occupied premises* shall supply *approved* covered containers for *trash*, and the *owner* of the *premises* shall be responsible for the removal of *trash*.

(2) Disposal of Solid waste. Every *occupant* of a *structure* must dispose of *solid waste* within 72 hours at an approved facility or through *solid waste* contractor.

Disposal of *garbage*. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and *sanitary* manner by placing such *garbage* in secured or tied bags and disposed in an *approved garbage* disposal facility or *approved garbage* containers.

Garbage facilities. Every dwelling shall have an *approved* leakproof, covered container.

Containers. The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

Secs. 18-203-18-205. - Reserved.

Sec. 18-206. - Swimming pools.

Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any premises. A finding by a health official of the county health department shall constitute prima facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitoes or other insects.

Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound condition.

(Ord. of 9-16-2014)

Sec. 18-207. - Registered agents.

Prior to the issuance of a certificate of occupancy for any multi-family development, commercial, office, or industrial property, or mobile home park, or during the first 30 calendar days of each year, whichever occurs earlier, the owner and each manager for each multi-family development, commercial, office, or industrial property, or mobile home park must designate the name, Baldwin County address, and 24-hour phone number of an agent for the property. The agent shall reside in Baldwin County and shall be on 24-hour call, seven days per week, to accept notices of violation regarding any provision of this Code. In addition, written notice to such agent shall be deemed delivered on the third business day following the mailing of such notice by first class mail to the agent at the address listed in such registration. The registration required by this paragraph shall be submitted to the county building department. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of a business license or the owner of the property desires to change the name or contact information with regard to the registered agent, the business licensee and/or owner shall supply written notice to the Building department. No change in registration shall be effective until written modification thereof is received by the building department.

(Ord. of 9-16-2014)

Secs. 18-208—18-220. - Reserved.

DIVISION 3. - BUILDINGS

Sec. 18-221—18-227. - Reserved.

Sec. 18-228. - Vacant buildings.

Every vacant or dilapidated dwelling, house, building (residential or commercial) or other similar structure within the unincorporated area of Baldwin County shall comply with the following requirements:

- (1) All exterior doors and windows shall be kept in sound working condition free of broken glass.
- (2) All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
- (3) All windows shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
- (4) All exterior walls and roofs shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease-carrying insects.
- (5) The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible trash or waste materials of sufficient quantity to constitute a danger to said building or any other building or premises in the event that such waste materials shall become ignited.
- (6) The exterior of the premises shall be kept free of any accumulation of trash, garbage, trash or any waste material of such quantity as to constitute an unsanitary condition
- (7) Any existing fence shall be maintained in good repair with gates locked at all times. Exceptions:
 - a. Property that is used primarily for agricultural purposes is exempted from the requirements of this section. This exception shall specifically exempt any farm, 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.

(Ord. of 9-16-2014)

Sec. 18-229. - Burned structures.

Whenever any building or structure is partially burned, the owner or person in control shall, within 120 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable to being repaired, the owner or person in control shall, within 180 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or

structure is to be repaired, work shall begin within 180 days and shall be completed within 180 days after completion of the scene investigation by the fire department and/or insurer of the property.

(Ord. of 9-16-2014)

Sec. 18-230—18-240. - Reserved

DIVISION 4. - RESERVED

Secs. 18-241—18-260. - Reserved.

DIVISION 5. - ENFORCEMENT, UNLAWFUL ACTS AND NOTICE OF VIOLATION

Sec. 18-261. - Enforcement.

- (a) This article shall be enforced by the code administrator or his/her designee or the office of the building official of the county, as applicable.
 - (b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever a law enforcement officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however, that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds.
 - (c) Upon a finding by the code administrator, or his designee, that a violation of this article exist, a notice of violation shall be served on the owner of the property. The notice of violation shall provide the necessary options available to the owner in order to remedy the violations. The notice of violation shall provide that the owner shall have up to 180 days from receipt of the notice of violation to remedy the violations. The notice of violation shall contain a statement that the owner may appeal the notice of violation. The request for an appeal shall be filed within ten days from the date that the owner receives the notice of violation. The filing of a notice of appeal by the owner shall stay the 180-day remedy period. The appeal request shall be served by the owner on the county manager. The date for the filing of the appeal shall be the date that it is postmarked, if mailed, or the date that it is received by the county manager, if served in person. The appeal shall be reviewed by a code enforcement panel on a date not less than 30 days from the date of the appeal and not more than 45 days from the date of the appeal. The code enforcement panel shall consist of the county manager, county fire marshal, one person designated and appointed by the county board of health and two individuals appointed by the Baldwin County Board of Commissioners. The recipient of the complaint has the right to appear and be represented by counsel before the code enforcement panel at the time of the appeal review. If the code enforcement panel finds by a preponderance of the evidence presented that a violation exists, the owner will be given 180 days from the date that the code enforcement panel renders its decision to remedy the violation.
 - (d) If the violation is not remedied within 180 days from the ruling of the code enforcement panel, or within 180 days from receipt of a notice of violation if no appeal is filed, the code
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administrator, or his designee, shall issue a citation to the owner for the alleged violation. The citation shall be prosecuted in the Baldwin County Magistrate Court.

(Ord. of 9-16-2014)

Sec. 18-262. - Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this article.

(Ord. of 9-16-2014)

Sec. 18-263. - Liability.

No officer, agent, or employee of Baldwin County shall be personally liable for any damage that may accrue to persons or property as a result of the good faith efforts to carry out the purposes and intents of this Ordinance, and to enforce this Ordinance.

(Ord. of 9-16-2014)

Sec. 18-264. - Effective date.

This article shall become effective immediately upon the adoption of the ordinance from which it derives.

(Ord. of 9-16-2014)

PRESENTATIONS

John Milledge Academy Boys Basketball State Champions

Chair Craig presented a Proclamation to the John Milledge Academy Boys Varsity Basketball State Champions. Players, Coaches and School Administrators were in attendance to receive the Proclamation.

APPROVAL OF MINUTES

Vice Chair John Westmoreland made a motion to approve the minutes of the April 6, 2021 Regular Meeting and the April 14, 2021 Called Meeting as submitted. Commissioner Sammy Hall seconded the motion and it passed unanimously.

ADMINISTRATIVE/FISCAL MATTERS

Manufactured Homes Ordinance

Commissioner Sammy Hall motion to table this matter. Commissioner Kendrick Butts seconded the motion and it passed unanimously.

Commissioner Butts asked if a citizens' committee, with representatives from different areas of the County, could be established to receive input on the proposed ordinance. Chair Craig recommended that Commissioner Butts contact County Manager Tobar regarding this.

Solid Waste Ordinance

Commissioner Kendrick Butts made a motion to approve the amendment to the Solid Waste Ordinance as presented. Commissioner Sammy Hall seconded the motion and it passed unanimously.

A copy of the Solid Waste Ordinance is herewith attached and made an official part of the minutes at pages 32 and 33.

Property Standards Ordinance

The following people addressed the Board in support of the Property Standards Ordinance: Julian Hood, Kim Stewart

Commissioner Hall stated he is very concerned about ensuring property rights. He said this Ordinance is a mechanism that will serve as a starting place to address property issues throughout the County. He further stated this may not be "what will work" for every situation; however, the County must have something on the books; this will be complaint driven; policy can be amended if there are problems encountered with language and regulations included in this Ordinance. Vice Chair Westmoreland stated he agrees with Commissioner Hall's assessment. Commissioner Davis asked that the minutes reflect that if this doesn't work the Board can go back and revise it.

Chair Craig reiterated the fact that no citizens been fined nor taken to court. He stated he feels this demonstrates the County wants to help people. He supports moving forward with this ordinance.

Vice Chair John Westmoreland made a motion to adopt the Property Standards Ordinance as presented. Commissioner Sammy Hall seconded the motion and it passed unanimously.

A copy of the Property Standards Ordinance is herewith attached and made an official part of the minutes at pages 32 and 33.

Revision to By-Laws for Airport Advisory Committee

County Manager Tobar presented proposed revisions to the Airport Advisory Committee By-Laws as requested by the Airport Advisory Committee. Currently the City of Milledgeville Public Works Director participates as a non-voting member of the Committee. The Committee proposes to amend the By-Laws to state that the City will appoint an individual to participate as a non-voting member. The recommendation is that the appointment to this position will be a more valuable member as a wide-ranging appointment as the City deems appropriate rather than specifying the appointment of the position of Public Works Director.

Baldwin County Regional Airport Advisory Committee

BYLAWS

Revised 04/2021

ARTICLE 1

NAME OF THIS ORGANIZATION

The name of this organization shall be the Baldwin County Regional Airport Advisory Committee, hereinafter referred to as "Airport Advisory Committee".

ARTICLE 2

PURPOSE AND ORGANIZATION

SECTION 1: PURPOSE

The purpose of the Baldwin County Regional Airport Advisory Committee is to provide advice and recommendations to the Baldwin County Commissioners and the Baldwin County Manager on matters of current policy and long-term development issues affecting the operation of the Baldwin County Regional Airport. The Airport Advisory Committee serves at the pleasure of the County Commission as a means to aid the County Commission in gathering public input by providing a forum through which private citizens may advise the Baldwin County Commission on matters relating to the Baldwin County Regional Airport. In order to accomplish that purpose, the Airport Advisory Committee may consult with and provide advice to the Commission on those matters, which deal with:

1. Airport Property and Facilities.
2. Area of Influence Surrounding the Airport.
3. Airport Master Plan.
4. Matters Pertaining to All Airport Operations & Public Relations.

The Airport Advisory Committee shall be and remain established following the adoption of these By-laws unless otherwise abolished by an affirmative vote of the majority of the County Commission.

SECTION 2: MEMBERSHIP

The Baldwin County Regional Airport Advisory Committee shall be appointed by Board of the Baldwin County Commissioners and consist of nine (9) members. A member's regular term of appointment shall be two (2) years. The membership shall be composed as follows: seven (7) at-large members, one (1) member representing the residents of the airport neighborhood, and one (1) member representing the educational community.

The neighborhood community member shall reside within a 1-mile radius of the airport.

The education community member shall be appointed by the Superintendent of the Baldwin County School District.

The Airport Advisory Committee shall submit annually to the County Manager a list of suggested qualified candidates to be considered for appointment to open positions on the Airport Advisory Committee.

To be eligible for appointment to the Airport Advisory Committee, a person must demonstrate special interest or experience in the Baldwin County Regional Airport and/or aviation.

A candidate must also meet one of the following criteria:

- 1) Resident: To qualify under this category, the person must either own or occupy a residential dwelling located within the County.
- 2) Aircraft/Hangar Owner: To qualify under this category, the person must have an interest in an aircraft that is based at the Baldwin County Regional Airport or an interest in a hangar that is leased from or constructed at the Baldwin County Regional Airport.
- 3) Aviation / Management Expertise: To qualify under this category the person must have experience deemed beneficial to the task of the Airport Advisory Committee

The Chairman of the Board of Commissioners shall appoint one County Commissioner to be a member of the Airport Advisory Committee for the purpose of providing a liaison between the Board of Commissioners and the Airport Advisory Committee. The liaison member shall be ex officio and not have a vote. The term of the liaison member shall be until the end of the liaison member's term as County Commissioner.

The Baldwin County contracted Airport Manager shall participate as a non-voting member of the Airport Advisory Committee.

The principal representative of each business operating on the airport proper shall participate as a non-voting member of the Airport Advisory Committee.

The Executive Director, Development Authority of the City of Milledgeville & Baldwin County shall participate as a non-voting member of the Airport Advisory Committee.

The City of Milledgeville shall appoint an individual who shall participate as a non-voting member of the Airport Advisory Committee.

There is no limit on the number of terms a member may serve.

All members serve at the pleasure of the appointing entity. The Board of Commissioners may remove any member for cause after such member is provided an opportunity to be heard with regard to the reasons for the proposed removal.

SECTION 3: OPEN MEMBERSHIP

Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, national or ethnic origin, or any other classification protected by law.

SECTION 4: TERMINATION OF MEMBERSHIP

Membership in the Airport Advisory Committee shall terminate in the event that:

1. The member shall not be, or shall no longer be, a member of that membership criterion from and for which he or she was appointed.
2. The member shall have acted in violation of the Airport Advisory Committee Bylaws.

SECTION 5: RESIGNATION

An Airport Advisory Committee member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the Airport Advisory Committee and the County Commission. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

SECTION 6: FILLING OF VACANCIES

In the event of a vacancy on the Airport Advisory Committee the County Commission shall select an individual from a list of recommended qualified candidates provided by the Airport Advisory Committee to fill such vacancy as soon as reasonably practicable. New members must meet the qualifications set forth in these bylaws.

SECTION 7: COMPENSATION AND EXPENSES

Members shall serve without pay except for reimbursement for travel expenses to meetings outside of the County. The County Manager must approve these reimbursements in advance. The County Manager shall designate a staff member to be responsible for providing actual materials and supplies necessary to conduct the business of the Airport Advisory Committee.

ARTICLE 3

POWERS AND DUTIES OF THE BALDWIN COUNTY REGIONAL AIRPORT ADVISORY COMMITTEE

SECTION 1: CONFLICT OF INTEREST

The Baldwin County Regional Airport Advisory Committee will be advisory to the Baldwin County Commissioners and County Manager acting in its capacity as the Airport Advisory Committee, and may take no action that binds Baldwin County or the Airport Advisory Committee. Advisory Committee members shall abstain from participation in discussions or matters in which they may have a financial or vested interest. In the event of such an interest, an Airport Advisory Committee member shall disclose to the Airport Advisory Committee that such an interest exists and remove herself/himself from further participation in said discussions or matters.

SECTION 2: CODE OF CONDUCT

All members of the Airport Advisory Committee must adhere to the provisions under the Baldwin County Code of Conduct for elected County Commissioners.

SECTION 3: ATTENDANCE

If a member shall be absent without the consent of the Airport Advisory Committee from three (3) meetings, whether regular or special, within twelve (12) consecutive calendar months, such absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson of his or her intent to be absent and the reasons therefore; provided, however, that a member shall be entitled to only three (3) excused absences within twelve (12) consecutive calendar months. At each meeting, after the roll has been called, the Chairperson shall report to the Airport Advisory Committee the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence.

ARTICLE 4 **MEETINGS OF THE BALDWIN COUNTY REGIONAL AIRPORT ADVISORY** **COMMITTEE**

SECTION 1: REGULAR MEETINGS

The Baldwin County Regional Airport Advisory Committee shall set regular meetings of the Baldwin County Regional Airport Advisory Committee for the forthcoming year at the annual meeting. The Airport Advisory Committee shall hold regular meetings quarterly. The Annual Meeting shall be held on the first Tuesday after the initial meeting of the Baldwin County Commissioners in January at the Baldwin County Regional Airport.

SECTION 2: NOTIFICATION

The County Manager and/or Chairperson of the Airport Advisory Committee shall prepare a notice of the meeting and an agenda of all matters to come before the meeting, and distribute or deliver electronically the same to the Baldwin County Regional Airport Advisory Committee prior to the regular meeting. Any member of the Baldwin County Regional Airport Advisory Committee may cause matters to be placed on the agenda by advising the County Manager and/or Chairperson no later than 12: 00 noon on the Wednesday preceding the next regular meeting.

SECTION 3: SPECIAL MEETINGS

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the Airport Advisory Committee present at a regular or special meeting of the Airport Advisory Committee at which a quorum is present. The special meeting will be for the purpose of transacting any business designated in the call, after notification of all members of the Airport Advisory Committee is distributed or delivered electronically at least twenty-four (24) hours before the time specified for the special meeting. At such special meeting, no business other than that designated in the call shall be considered.

SECTION 4: QUORUM

The powers of the Airport Advisory Committee shall be vested in the members thereof in office from time to time. The powers of the Airport Advisory Committee shall be vested in the members thereof in office from time to time. A majority of the Airport Advisory Committee members then in office shall constitute a quorum for the purpose of conducting the Airport Advisory Committee's business, exercising its powers and for all other purposes, but less than that number may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Airport Advisory Committee present at a regular or special meeting of the Airport Advisory Committee at which a quorum is present shall be required for approval of any questions brought before the Airport Advisory Committee.

SECTION 5: RULES OF ORDER

All meetings of the Baldwin County Regional Airport Advisory Committee shall be conducted in accordance with Robert's Rules of Order.

SECTION 6: ALL MEETINGS TO BE OPEN AND PUBLIC

All meetings of the Airport Advisory Committee shall be open and public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law.

SECTION 7: RIGHT OF PUBLIC TO APPEAR AND SPEAK

At every regular meeting, members of the public shall have an opportunity to address the Airport Advisory Committee on matters within the Airport Advisory Committee's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Chairperson may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

SECTION 8: NON-AGENDA ITEMS

Matters brought before the Airport Advisory Committee at a regular meeting, which were not placed on the agenda of the meeting, shall not be acted upon by the Airport Advisory Committee at that meeting unless action on such matters is permissible pursuant to law. Those non-agenda items brought before the Airport Advisory Committee that the Airport Advisory Committee determines will require Airport Advisory Committee consideration and action and where Airport Advisory Committee action at that meeting is not so authorized shall be placed on the agenda for a future meeting.

SECTION 9: RECOMMENDATIONS TO COUNTY COMMISSION

Recommendations of the Airport Advisory Committee to the County Commission shall be prepared in writing and submitted to the County Manager.

Recommendations may be presented to the County Commission during a public meeting once the assigned County staff prepares a staff report summarizing key facts, analysis, cost/benefit consideration, fiscal impact, and policy implications and options, and the report has been reviewed by the County Manager. The official minutes of the Airport Advisory Committee documenting the Airport Advisory Committee recommendation(s) shall be attached to the staff report.

SECTION 10: MINUTES (ACTION)

Minutes of the Airport Advisory Committee shall be prepared in writing by the Airport Advisory Committee. Copies of the minutes of each Airport Advisory Committee meeting shall be made available to each member of the Airport Advisory Committee and the County Commission. Approved minutes shall be filed in the official book of minutes of the Airport Advisory Committee.

ARTICLE 5 OFFICERS AND DUTIES

SECTION 1: OFFICERS

The officers of the Airport Advisory Committee shall consist of a Chairperson and a Vice Chairperson, who shall be elected in the manner set forth. At the annual meeting in January an election of officers for the forthcoming twelve (12) months will be held, and those newly elected officers shall assume their position upon election.

SECTION 2: CHAIRPERSON

The Chairperson shall preside at all meetings of the Airport Advisory Committee and may submit such agenda; recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Airport Advisory Committee. The Chairperson may sign documents necessary to carry out the business of the Airport Advisory Committee. The Chairperson may communicate with any County staff member to provide unofficial feedback on general items concerning the Baldwin County Regional Airport, as necessary.

SECTION 3: VICE CHAIRPERSON

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the Airport Advisory Committee shall elect a new Chairperson.

SECTION 4: ADDITIONAL OFFICERS

The Baldwin County Regional Airport Advisory Committee may appoint such other officers, as the Airport Advisory Committee deems necessary.

SECTION 5: ADDITIONAL DUTIES

The officers of the Airport Advisory Committee shall perform such other duties and functions as may from time to time be required by the Airport Advisory Committee, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

SECTION 6: ELECTION

The Chairperson and Vice Chairperson shall initially be elected from among the members of the Airport Advisory Committee at the Airport Advisory Committee's first regular meeting. Thereafter, the Chairperson and Vice Chairperson shall be elected annually from among the members of the Airport Advisory Committee. Such officers of the Airport Advisory Committee shall hold office for one year following their election and until their successors are elected and in office. Any such officer shall not be prohibited from succeeding him or herself.

SECTION 7: REMOVAL OF OFFICERS

Upon an affirmative vote by a majority of the members of the total Airport Advisory Committee then in office at a regular or special meeting of the Airport Advisory Committee at which a quorum is present, any officer may be removed from office, and a successor elected.

SECTION 8: VACANCIES

Should the offices of the Chairperson or Vice Chairperson become vacant, the Airport Advisory Committee shall elect a successor from among the Airport Advisory Committee members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE 6 COMMITTEES

The Airport Advisory Committee may establish any standing and/or special committees it deems necessary consistent with, and to fulfill, its stated purpose. Such committees may include individuals not members of the Airport Advisory Committee, as needed to address the need.

ARTICLE 7 REPRESENTATIONS BEFORE PUBLIC BODIES

The Chairperson, the Vice Chairperson in the Chairperson's absence or a member of the Airport Advisory Committee may make official representations on behalf of the Airport Advisory Committee before the County Commission if specifically designated by the Airport Advisory Committee.

ARTICLE 8 AMENDMENTS TO BYLAWS

SECTION 1: AMENDMENT PROCEDURES

The Baldwin County Regional Airport Advisory Committee may, by a two-thirds (2/3) majority vote, amend these Bylaws or any provisions or section thereof, at any time when the same is not in conflict or in contravention of any of the laws of the State of Georgia or ordinances applicable thereto, and such

amendments shall be subject to approval by the Baldwin County Board of Commissioners, provided however, that notice of the proposed amendments be furnished to the Baldwin County Regional Airport Advisory Committee members not less than ten (10) days prior to the meeting at which said amendments are to be considered. A copy of the Bylaws will be filed with the office of the County Clerk.

The above and foregoing Bylaws are hereby adopted as the Bylaws of the Baldwin County Regional Airport Advisory Committee - Baldwin County, Georgia.

Dated this 20 day of April, 2021.

Vice Chair Westmoreland made a motion to approve the revision to the Airport Advisory Committee By-Laws as presented. Commissioner Sammy Hall seconded the motion and it passed unanimously.

A copy of Airport Advisory Committee By-Laws is herewith attached and made an official part of the minutes at pages 34 and 35.

OLD BUSINESS

Vice Chair Westmoreland requested an update on the work in front of the Government Building. County Attorney McRee reported there is a shared driveway with the adjoining property owner, and DOT is requiring additional action be taken on the front drive. He stated he has met with the business owner's attorney regarding this matter.

NEW BUSINESS

Vice Chair Westmoreland requested that a fire extinguisher be purchased and placed at the Airport Training facility.

COUNTY MANAGER'S REPORT

County Manager Tobar reported the City and County are working together to hold a tire amnesty day. The City will provide employees to work at the site, and the County will provide lunch for those working on this project. He stated the Middle GA-RC will prepare an application for funds to assist with tire disposal. The location for drop off will be at the Public Works Department on Linda Drive.

Mr. Tobar also reported the following updates: Nelson Road is reopened; Adult Treatment Court is back at their building; jury selection going well at gym location; courthouse renovations ongoing; grant submitted for airport lighting for disembarking of passengers; Plan First application will be submitted in approximately 10 days; this application details Comprehensive Work Plan projects and what has been accomplished; Plan First designation makes the County eligible for CDBG application submission every year rather than every other year; current CDBG sewer project will finish up the current target area; future awards will be used for infrastructure in other areas in Hardwick.

Mr. Tobar reported valuable information has been gained through research in a personnel matter. There have been many improvements made; employee training continues; improvements / maintenance of equipment; and loss mitigation very good.

PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS

Hal Sims addressed the Board regarding the roads in Greystone subdivision. He stated there is a major issue with County roads, and they need repair.

EXECUTIVE SESSION

County Attorney McRee stated there is no need for an Executive Session to discuss potential litigation and property acquisition at this time.

ADJOURNMENT

Commissioner Hall made a motion to adjourn the Regular Meeting at 6:30 p.m. Vice Chair Westmoreland seconded the motion and it passed unanimously.

Respectfully submitted,



Henry R. Craig
Chair



Cynthia K. Cunningham
County Clerk