

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 04-09-2022

FILED
NEWBERRY COUNTY
2022 JUN 14 AM 10:06
ELIZABETH P. FOLK
CLERK OF COURT

AN ORDINANCE ESTABLISHING MINIMUM RULES AND REGULATIONS TO REGULATE THE DISPOSAL OF GARBAGE, REFUSE AND OTHER TRASH IN NEWBERRY COUNTY AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE

WHEREAS, the Newberry County Council hereby repeals Ordinance number 12 and the amendments on March 1, 1979 and also September 3, 1987 in their entirety; and

WHEREAS, County Council hereby adopts this ordinance to establish rules and regulations regarding disposal of garbage and also authorizing certain officers to act as Litter Control officers in the enforcement of certain portions of this ordinance dealing with litter control and to further establish guideline for the usage of the Newberry County Transfer Station; and

WHEREAS, the Newberry County Council finds it to be an appropriate use of this facility in furtherance of the health and general welfare benefit to the citizens of Newberry County; and

NOW, THEREFORE, BE IT ORDAINED, by the Newberry County Council that the following sections are adopted as set out herein:

SECTION 1. - AUTHORITY

This Ordinance is adopted pursuant to the provisions of S.C. Code 1976 §4-9-30. Personnel employed by the County Administrator as Code Enforcement Officers and personnel employed by the Sheriff of Newberry County shall be vested with the authority to enforce and administer litter control within the county in accordance with the provisions of S.C. Code 1976 § 44-67-10 et. seq. and all rules and regulations adopted thereunder and the same are incorporated herein by reference as if fully set forth verbatim and as may be amended from time to time. Reference is also made to the authority contained in §16-11-700 of S.C. Code 1976.

SECTION 2. – RESPONSIBILITY

Solid waste, trash, household garbage, waste building materials, waste industrial products, or any other waste-type material, including transportable liquid effluent (excluding septic tank effluent), [all of which foregoing waste is collectively referred to hereinafter as “solid waste”] which is generated in, or brought into, Newberry County shall be transported and disposed of, in accordance with this ordinance and the applicable laws of the State of South Carolina and the appropriate rules and regulations of the State and the United States.

The County Administrator shall have direct responsibility for the management and supervision of the system and in the discharge of these duties shall have the authority to assign and delegate to other County personnel the following duties and responsibilities: location of convenience centers throughout the unincorporated portion of the County; operation, maintenance and supply of equipment; supervision of personnel; inspection of sites and areas; the issuance of permits or licenses; supervision of private waste collectors; coordination of disposal operations of municipalities, and coordination with municipalities and agencies of the State of South Carolina with regard to the enforcement of the provisions

of this ordinance and the provisions of State laws and regulations governing these matters, and such other duties as may be prescribed by County Council.

SECTION 3. - AUTHORIZED SITES AND FACILITIES

All solid waste shall be properly disposed of in containers provided by, or at facilities designated by, Newberry County. Household garbage, and garbage generated by business or other non-individuals, shall be properly stored on a temporary basis not to exceed thirty (30) days on the premises where such garbage is generated, and thereafter shall be disposed of in a designated container or at a designated facility in accordance with the provisions of this ordinance or will be subject to enforcement for any violation. No person shall dump, throw, drop, deposit, discard, place or in any way dispose of litter, hazardous material or other liquid, granular or solid waste upon any public or private property in the county or in the waters of the county whether from a vehicle or otherwise, including but not limited to, any highway, park, campground, forest land, recreational area, trailer park, road, street or alley. It shall be unlawful for any person, firm, corporation, institution, organization, contractor or subcontractor to transport any loose materials by truck, trailer or other motor vehicles within the corporate limits of the county unless said material is covered or secured in such a manner as to prevent litter, leakage or spillage on public and private property. Lack of adequate covering or securing of material while the loaded truck, trailer or other motor vehicle is in motion shall constitute a violation of this ordinance.

SECTION 4 – AUTHORIZED USERS

Individual resident citizens disposing of household wastes, may dispose of solid waste in any County operated convenience center and the Transfer Station in accordance with this ordinance and applicable State laws. Licensed collectors, municipalities, and authorized commercial and industrial establishments may dispose of solid waste at the County operated Transfer Station only. All commercial waste, defined as any household waste not generated by an individual resident citizen of Newberry County, shall be assessed a tipping fee based on the weight when crossing the weight scales prior to disposing of such waste at the transfer station.

Any individual who resides in Newberry County may dispose of their own household waste at any convenience center owned by Newberry County. Construction & demolition (C&D) waste may be disposed of at the County operated Transfer Station. C&D waste shall be assessed a fee based on the weight when crossing the weight scales prior to disposing of C&D waste at the transfer station. No C&D waste shall be disposed of at any County operated convenience centers nor shall any prohibited materials such as asbestos or other hazardous materials will be accepted at the transfer station.

It shall be unlawful and a violation of this ordinance for any person, business or agency not a resident of Newberry County to utilize any convenience center for the purpose of disposing of waste generated outside of Newberry County. No waste covered by this ordinance shall be moved in any manner into Newberry County from any other County or State. This prohibition shall not apply to those persons, who are non-residents of Newberry County, who deposit less than five pounds of household waste in designated facilities of Newberry County, nor does this ordinance apply to persons who are camping in Newberry County or who are otherwise temporarily renting or leasing a dwelling unit in Newberry County.

SECTION 5 – RESPONSIBILITY OF USERS

Waste deposited at any convenience center owned by Newberry County shall be the property of Newberry County and no person shall remove any such waste without prior written authorization of the County Administrator or their designated representative.

It shall be unlawful for any person to set fire to materials located at any convenience center or to deposit any material which may cause a fire, in any container or convenience center owned by Newberry County.

It shall be unlawful for any person, business or agency to deposit at any convenience center any dangerous, flammable materials or substances such as poisons, acids, caustics, infected materials or explosives unless such disposal is authorized, in writing, by the County Administrator.

It shall be unlawful for any person to search, probe or scavenge any container or at any convenience center owned by the County without the prior written permission of the County Administrator.

It shall be unlawful for any commercial waste to be deposited at the Newberry County transfer station without first being weighed at the scales so that a billing can be sent based on tipping fees in effect. In addition, the County Administrator may recommend regulations for the implementation of this ordinance and may recommend the requirement of a bond for private waste collectors utilizing County waste facilities, and County Council may from time to time hereafter, by resolution may adopt such regulations or require an appropriate bond from licensed private waste collectors.

SECTION 6 – PENALTIES AND FINES

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$500.00 nor more than the maximum allowed by law for each offense plus court costs (or thirty (30) days in jail, or both). As punishment, the court may also direct litter gathering labor as appropriate under the supervision of the court. In addition, the court may order any person violating the provisions of this article to pay restitution to the county or to the victims for the costs of removing or abating such litter. The Magistrate's Court shall have jurisdiction to enforce this Ordinance.

SECTION 7 – ENFORCEMENT

(a) The provisions of this article shall be enforced by the duly authorized law enforcement officers of the county, including but not limited to, all law enforcement officers and deputies employed by the sheriff's department, and by designated code enforcement officers employed by the County Administrator.

(b) The county law enforcement officers and county code enforcement officers shall be authorized and required to cause the inspection of any public or private property within the limits of the county whenever it shall be necessary to enforce the provisions of this article.

(c) Any person violating the provisions of this article in the presence of the law enforcement officer shall be issued a uniform summons for the offense.

(d) Whenever it appears to the county law enforcement officer or county code enforcement officer that property lying within the county limits contains litter as defined by this Ordinance, the law enforcement officer shall serve written notice on the owner of the property requiring the owner to abate or remove the litter within 15 days.

(e) Any property owner who refuses or neglects to abate or remove litter from property after receiving 15 days written notice shall be served with a uniform summons and shall be subject to prosecution in accordance with Section 6, above. In addition, the law enforcement officer, or code enforcement officer may also cause the removal or abatement of such litter, and all expenses incurred in so abating or removing such litter may be recoverable from the owner of the property from which the litter is removed or abated, or from any person causing or maintaining the same, in the same manner as debts of like amounts are now recoverable by law.


(f) Any person who is harmed or sustains damages arising out of a violation of this article shall be entitled to recover in a civil action threefold the actual damages from the person violating this article, plus court costs and reasonable attorney's fees.

IT IS SO ORDAINED this 18th day of ~~May~~ June, 2022, by the Newberry County Council in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY:



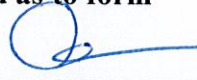
Todd Johnson, Chairman

ATTEST:



Jackie Lawrence, Clerk to Council

Approved as to form



A.J. Tothacer, Jr., County Attorney



Christopher Inglese
County Administrator

1st Reading: April 20, 2022
2nd Reading: May 4, 2022
Public Hearing: June 1, 2022
3rd Reading: June 1, 2022