

CHAPTER 21

Health, Safety, and Sanitation

ARTICLE I

Health

- §21-101 Appointment of Board of Health
- §21-102 Health Certificate for Restaurants, etc.
- §21-103 Valid Certificate Required
- §21-104 Diseased Persons Prohibited from Employment
- §21-105 Health Examinations and Tests
- §21-106 Meaning of "Restaurant," etc., Limited
- §21-107 Milk Regulated
- §21-108 Mosquito Control
- §21-109 Inspection of Poultry; Definitions; Sale of Poultry
- §21-110 Enforcement of Chatham County Environmental Health Regulations

ARTICLE II

Safety

- §21-201 Sale and Storage of Fireworks Prohibited
- §21-202 Fireworks, Firearms, etc., Regulated
- §21-203 Handguns
- §21-204 Discharge of Firearms or Explosives
- §21-205 Shooting Matches

ARTICLE III

Sanitation

- §21-301 Definitions
- §21-302 Garbage Receptacles Regulated
- §21-303 Garbage Collections; Permits; Equipment
- §21-304 Incinerators and Sanitary Landfills
- §21-305 Rubbish Fills
- §21-306 Open Burning Regulated
- §21-307 Enforcement of Sanitation Code
- §21-308 Location of Garbage and Refuse
- §21-309 Penalty
- §21-310 Garbage Collections Regulated
- §21-311 Disposable Bags
- §21-312 Litter; Definitions
- §21-313 Same; Prohibitions
- §21-314 Same; Violations
- §21-315 Title
- §21-316 Purpose
- §21-317 Duty of Finance Department
- §21-318 Fees

- §21-319 Applicable Laws
- §21-320 Geographic Scope
- §21-321 Solid Waste Dumpster Design Standards and Requirements

**ARTICLE IV
Waste Collection**

- §21-401 Authority and Purpose
- §21-402 Definitions
- §21-403 Responsibility of Property Owner/Occupant for Preparation, Separation, Storage and Placement of Waste for Curbside Collection
- §21-404 Self-Management of Yard Waste Materials in Unincorporated Chatham County
- §21-405 Curbside Collection By the County
- §21-406 Drop-off Centers
- §21-407 Post-storm and Disaster Recovery Debris Clean-up
- §21-408 Establishment of a Chatham County Recycling Program
- §21-409 Pilot Curbside Recycling Collection Programs
- §21-410 Repeal of Conflicting Provisions of Other Ordinances
- §21-411 Penalties
- §21-412 Effective Date

**ARTICLE V
Property Maintenance**

- §21-501 Definitions
- §21-502 Premises Required to Be Kept Clean
- §21-503 Applicability
- §21-504 Notification of Owner
- §21-505 Violations
- §21-506 Abatement by County
- §21-507 Responsibility for Cost
- §21-508 Executions Issued for Cost
- §21-509 Penalties
- §21-510 Appeals
- §21-511 Right of Entry
- §21-512 Transfer of Ownership
- §21-513 Closing of Vacant Structures
- §21-514 Imminent Danger
- §21-515 Minimum Standards for Basic Equipment and Facilities
- §21-516 Minimum Requirements for Light and Ventilation
- §21-517 Designation of Unfit Dwellings and Legal Procedure for Condemnation

ARTICLE VI
Chatham County Biomedical Waste Ordinance

§21-601	Title
§21-602	Definitions
§21-603	Limitation on Disposal of Biomedical Waste
§21-604	Penalties
§21-605	Severability
§21-606	Conflicting Laws Repealed
§21-607	Exemptions
§21-608	Effective Date

ARTICLE VII
Chatham County Nuisance Abatement Code

§21-701	Title, Authority and Scope
§21-702	Definitions
§21-703	Inspections and Notice of Hearing
§21-704	Hearing
§21-705	The Proceedings
§21-706	The Record
§21-707	Orders for Corrective Action
§21-708	Placarding
§21-709	Failure to Comply with Order
§21-710	Demolition
§21-711	Lien on Property
§21-712	Procedures for Collection of Amount Due on Lien
§21-713	Service of Notices and Orders
§21-714	Nuisance Properties Appeals Board
§21-715	Eminent Domain
§21-716	Right to Enter and Inspect
§21-717	Construction
§21-718	Code of Georgia
§21-719	Severability
§21-720	Headnotes
§21-721	Repealer
§21-722	Effective Date

ARTICLE VIII
Report of Spill or Release of Hazardous Substance or Oil

§21-801	Title, Purpose, and Scope
§21-802	Definitions
§21-803	Incident, Defined
§21-804	Notification Requirements
§21-805	Spills
§21-806	Penalties
§21-807	Federal and State Law

§21-808 Effective Date
§21-809 Intent of Ordinance
§21-810 Definitions
§21-811 Hazardous Substances Registration
§21-812 Registration Fees
§21-813 Inspections
§21-814 Exemptions
§21-815 Federal and State Law
§21-816 Effective Date

ARTICLE IX

An Ordinance to Restrict Smoking in Places of Public Accommodation; to Repeal All Other Ordinances in Conflict Herewith and for Other Purposes.

§21-901 Title
§21-902 Definitions
§21-903 Application of Article to County-Owned Facilities
§21-904 Prohibition of Smoking in Enclosed Public Places
§21-905 Prohibition of Smoking in Places of Employment
§21-906 Prohibition of Smoking in Private Clubs
§21-907 Prohibition of Smoking in Enclosed Residential Facilities
§21-908 Prohibition of Smoking in Outdoor Areas
§21-909 Where Smoking Not Regulated
§21-910 Exemptions (section deleted in its entirety 04/27/2012)
§21-911 Declaration of Establishment as Nonsmoking
§21-912 Posting of Signs
§21-913 Non-retaliation; Non-waiver of Rights
§21-914 Enforcement
§21-915 Violations and Penalties
§21-916 Other Applicable Laws
§21-917 Liberal Construction
§21-918 Severability
§21-919 Effective Date

ARTICLE X

Payment of Registration Fee by Facilities with Hazardous Substances

§21-1001 Intent of Ordinance
§21-1002 Definitions
§21-1003 Hazardous Substances Registration
§21-1004 Registration Fees
§21-1005 Inspections
§21-1006 Exemptions
§21-1007 Federal and State Law
§21-1008 Effective Date

ARTICLE XI
Emergency Access Requirements for Gated Communities
Unincorporated Chatham County

- §21-1101 Purpose
- §21-1102 Intent
- §21-1103 Definitions
- §21-1104 Standards
- §21-1105 Submittal
- §21-1106 Approval
- §21-1107 Maintenance
- §21-1108 Applicability

ARTICLE I

Health

§21-101 Appointment of Board of Health. The official title of this health organization and its director is Georgia Department of Human Resources for Chatham County and its director is titled the District Medical Director for Chatham County.

§21-102 Health Certificate for Restaurants, etc. It shall be unlawful for any owner, proprietor, manager, or person in charge, or control of any barbecue stand, café, restaurant, boarding house, inn, tavern, or other public eating house or place, or tourist camp, where meals, lunches or sandwiches are served to the public, to work, employ, or keep in their employment, or permit to work, in or about any such place, whether employed or not, any person who is affected with, or affected by, any contagious or communicable disease, who does not have in his or her possession a certificate of good health from the District Medical Director of Chatham County or by someone designated by him to issue said certificate to said person. (#59, 10/10/41, Sec. 1)

§21-103 Valid Certificate Required. It shall be unlawful for any owner, proprietor, manager, or person in charge, or control of any barbecue stand, café, restaurant, boarding house, inn, tavern, or other public eating house or place, or tourist camp, where meals, lunches or sandwiches are served to the public, to work, employ, or keep in their employment, or permit to work, in or about any such place, whether employed or not, any person who at the time of his or her employment, or working in or about any such place, has not in his or her possession a certificate from the District Medical Director or by someone designated by him to issue such certificate to such person by the said District Medical Director, or the person designated by him after and at the time of the person's examination by said District Medical Director or by the person designated by him attesting the fact that such person has been personally examined by said District Medical Director or by the person designated by him before such employment and thereafter every six (6) months, or as often as the District Medical Director shall designate. But in or event shall a new certificate and examination be more than six (6) months after the date of the issuance of any former certificate, and that such personal examination discloses the fact that the person so examined and to be employed was at the time of such examination found free from any and all infections or contagious and communicable diseases. Such certificates of examination to be valid, must be dated and signed by the District Medical Director or by such person designated by him,

and signed by the person so examined at the time and in the presence of the District Medical Director or the person designated by him, and in the event it is by a person designated by the District Medical Director it must be approved by the District Medical Director of Chatham County, Georgia, and such copy should be filed with the District Medical Director of Chatham County and same be made upon the form prescribed by the District Medical Director of Chatham County, Georgia. (#59, 10/10/41, Sec. 2)

§21-104 Diseased Persons Prohibited from Employment. It shall be unlawful for any person who is affected with, or affected by, any infectious, contagious or communicable disease to work in and about any barbecue stand, café, restaurant, boarding house, inn, tavern, or other public eating house or place, or tourist camp, where meals, lunches or sandwiches are served to the public. (#59, 10/10/41, Sec. 3)

§21-105 Health Examinations and Tests. The District Medical Director of Chatham County, shall have the power to require any additional examinations and laboratory tests of any person working in or about any barbecue stand, café, restaurant, boarding house, inn, tavern, or other public eating house or place, or tourist camp, where meals, lunches or sandwiches are served to the public, if deemed a necessary public health measure. Examinations and laboratory tests may be made by any qualified laboratory or physician, at the expense of the person examined, but such tests may be secured at stated periods, without expense at the office of the District Medical Director at such place and time as designated by the District Medical Director; copies of the results of the examinations and tests shall be filed with the District Medical Director, which shall be used only for the purpose of enforcing this Ordinance, and shall be used for no other purpose. (#59, 10/10/41, Sec. 4)

§21-106 Meaning of "Restaurant," etc., Limited. The words "Restaurant," "Café," "Barbecue Stand," "Boarding House," "Inn," "Tavern," or other public "Eating House or Place," as used in this Ordinance, shall not be construed to mean a private residence occupied by a family where boarders are kept under private arrangements, and do not cater to the general public for patronage. (#59, 10/10/41, Sec. 5)

§21-107 Milk Regulated. The "Milk Ordinance" passed by the Commission on January 9, 1953, as amended, is hereby incorporated by reference and shall be of the same force and effect as if recited in full herein.

§21-108 Mosquito Control. The governing authority of Chatham County is hereby authorized to expend county funds for the purpose of eradicating mosquitoes in said county and to control drainage and sanitation and to use whatever other means reasonably necessary to accomplish said purpose. (1956 Ga. Laws 267 - Ga. Const. Art. VII, Sec. IV, Para. I)

§21-109 Inspection of Poultry; Definitions; Sale of Poultry.

1. The following definitions shall apply in the interpretation and enforcement of this Section.
 - a. Person means a natural person, firm, partnership, corporation, association, club, receiver, and trustee, or other person acting in a fiduciary capacity; provided that such person is regularly engaged in the business of preparing, processing or selling poultry as herein defined.
 - b. Poultry means any kind of domesticated bird, including, but not limited to chickens, turkeys, ducks, geese, pigeons, and guineas.
 - c. Health Officer shall mean the County Health Officer or any authorized representative of the County Health Officer.
2. It shall be unlawful for any person to sell, offer for sale, or expose for sale, or to prepare or process for sale, in Chatham County, Georgia, outside the corporate limits of any municipality, any poultry unless the same shall first have been inspected for wholesomeness by an authorized inspector of an official inspecting agency of the United States Department of Agriculture or of the Georgia Department of Agriculture. (#344, 4/10/70)

§21-110 Enforcement of Chatham County Environmental Health Regulations. An ordinance adopting and enacting a code of enforcement of rules and regulations of the Chatham County Board of Health; express adoption of applicable rules and regulations; delegation of duties of implementation and enforcement to Chatham County Board of Health; provision for criminal penalties for the violation thereof; providing for provision of procedural rights; establishment of jurisdiction of recorder's court over violators of this ordinance. All for the protection and preservation of the public health, safety, and welfare of the people of Chatham County, Georgia. There are currently in existence certain rules and regulations adopted by the Chatham County Board of Health with the purpose of preserving the public health, safety, and welfare of citizens of Chatham County, Georgia.

1. This ordinance specifically incorporates by reference the provision of the following rules and regulations, which are in force at the time of the adoption of this ordinance:
 - a. Rules and Regulations pertaining to Rabies Control (adopted by the Department of Human Resources and policies of the Chatham County Board of Health pertaining to Rabies Control;
 - b. Rules and Regulations pertaining to Food Service (adopted by the Department of Human Resources and being Chapter 290-5-14 as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to Food Service;
 - c. Rules and Regulations pertaining to Tourist Accommodations (adopted by the Department of Human Resources and being Chapter 290-5-18 as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to Tourist Accommodations;
 - d. Rules and Regulations for On-Site Sewage Management Systems (adopted by the Department of Human Resources and being Chapter 290-5-26 as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to On-Site Sewage Management Systems;
 - e. Rules and Regulations pertaining to the Storage, Collection and Disposal of Garbage for Chatham County, Georgia (adopted by the Chatham County Board of Health as subsequently amended and updated) and policies of the Chatham County Board of Health pertaining to Garbage;
 - f. Rules and Regulations pertaining to Public Swimming Pools, Spas, and Recreational Water Parks (adopted by the Chatham County Board of Health and being Chapter 290-5-57 as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to Public Swimming Pools, Spas, and Recreational Water Parks;
 - g. Rules and Regulations pertaining to Body Art Studios and Tattoo/Body Piercing Artists (adopted by the Chatham County Board of Health as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to Body Art; and
 - h. Rules and Regulations pertaining to "Hand Watering" of Gray Water (adopted by the Chatham County Board of Health as subsequently amended and updated), and policies of the Chatham County Board of Health pertaining to Gray Water; and

- i. Resolution by the Chatham County Board of Health requiring the payment of inspection fees and providing for suspension of permits for non-payment of same.
2. The duty of implementation and enforcement of these regulations rests with the Chatham County Board of Commissioners, and by virtue of this ordinance is hereby expressly delegated to the Chatham County Board of Health who is hereby charged with promulgation of sufficient procedures for insuring compliance with these rules and regulations by the citizens of Chatham County or those individuals found within the boundaries of Chatham County. The Chatham County Board of Health is directed to implement procedures, which will insure that the citizens of Chatham County or those individuals found within the boundaries of Chatham County will receive all procedural rights to which they are entitled under the laws of the State of Georgia.
3. Any violation of the rules and regulations hereby referenced shall be a violation of this ordinance and shall be a misdemeanor offense. Any violator shall be subject to the imposition of a fine not to exceed \$1000.00, and any violator may be subject to any additional penalties as allowed by law or ordinance. Any failure of payment of inspection fees listed within the fee schedule adopted by the Chatham County Board of Health and approved by the Chatham County Board of Commissioners within 14 days of notice, may result in suspension of permit.
4. The Recorder's Court of Chatham County shall have jurisdiction over violators of this ordinance and all procedures for enforcement of such ordinance shall be as provided in the Official Code of Georgia, 31-5. Complaints of violation of any provision of this ordinance shall be brought before the Recorder's Court by a designated representative of the Chatham County Board of Health and shall be prosecuted through that court.

Section 110 adopted in its entirety and effective February 27, 2009.

ARTICLE II

Safety

§21-201 Sale and Storage of Fireworks Prohibited. It shall be unlawful for any person, firm, or corporation to sell, either at wholesale or retail or in any other manner dispose of fireworks or fire crackers, of any kind or size, torpedo canes or sticks, torpedoes or percussion caps in Chatham County. No fireworks of any kind shall be stored in Chatham County. (#52, 11/26/37)

§21-202 Fireworks, Firearms, etc., Regulated.

1. It shall be unlawful for any person, during the Christmas or other holidays, or at any other time, to discharge fireworks or fire crackers of any kind or size, torpedo canes or sticks, torpedoes, percussion caps, or other explosives of any kind or character.
2. Firing pistols or guns, building bonfires, the use of firecrackers or any explosive or combustible fireworks or any similar things, are prohibited in or upon any park, square, or grass plat.
3. It shall be unlawful for any person, firm or corporation in Chatham County outside of the corporate limits of any municipality therein, to sell illuminated toy balloons, commonly known as fire balloons.
4. It shall be unlawful for any person to send up, illuminated or lit, any toy balloon, commonly known as fire balloons. (#12, 11/18/27)

§21-203 Handguns.

1. Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other reliable identification) number, type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate shall be on a form as prescribed by the Chatham County Commissioners.
2. The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address

and deliver two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time or receipt of the application in the office of the Chief of Police of Chatham County.

3. No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to; a person whom he has reasonable cause to believe is not a fit and proper person to possess the same; is not of sound mind; is under 21 years of age; is a drug addict; or is a person who has been convicted of a crime of violence.
4. If, within the seventy-two hour waiting period required by this Section the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type of handgun, that the applicant is not a fit and proper person to possess the weapon; is not of sound mind; is under 21 years of age; is a drug addict; or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon. A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.
5. This Section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decorative purposes.
6. Any person violating any of the provisions of this Section shall upon conviction before an appropriate court having jurisdiction thereof, be fined not less than one (\$1.00) dollar nor more than three hundred (\$300.00) dollars, or imprisoned for a term not exceeding thirty (30) days, either or both, in the discretion of the court trying such person.
(#323a, 10/10/69)

§21-204 Discharge of Firearms or Explosives. A person is guilty of a violation of this Ordinance when, without legal justification, he or she discharges the following firearms or explosives under the following circumstances:

1. Discharge of center fire rifles and pistols and shotguns with slugs within 1,500 feet of a dwelling without the permission of the inhabitant;
2. Discharge of rim fire rifles and pistols and shotguns with buckshot within 300 feet of a public highway, road or street, or within 1,000 feet of a dwelling without the permission of the inhabitant;
3. Discharge of shotguns with birdshot within 150 feet of a public highway, road or street, or within 250 feet of a dwelling without the permission of the inhabitant.
4. Nothing herein shall apply to nor be construed to apply to an authorized safely controlled firing range or other authorized activity. (Amended October 20, 1989)

§21-205 Shooting Matches.

1. Except as otherwise provided by law, it shall be unlawful for any person, firm or corporation to conduct any activity providing for the discharge of any explosive, pistol, gun or other weapon or instrument likely to produce injury, without a license. (11/20/81, Sec. 1) (Amended April 30, 1993)
2. Licenses issued pursuant to this Article shall be valid provided the following regulations are adhered to:
 - a. The shooting activity shall be held on an authorized, safely controlled firing range. (Amended April 30, 1993)
 - b. No alcohol shall be sold or consumed within fifty (50) feet of the area.
 - c. The shooting area cannot be located less than one hundred fifty (150) feet from the nearest public highway, street or residential dwelling or adjacent places of business.
 - d. Shooting activity shall not be performed except between the hours of 8:00 a.m. and 10 p.m. No such activity shall be performed on Sunday except at an approved gun club range which is supervised by representatives of a local, state, or national gun club. (Amended April 30, 1993)
 - e. The targets shall be placed in front of barriers capable of stopping the projectiles being fired at the target. The barrier shall extend from a point not less than three (3) feet higher than the top of the target's highest elevation and shall encompass the entire outer perimeter of the target area by at least a minimum of five (5) feet. (11/20/81, Sec. 2)

3. No such license shall be issued until the physical arrangements have been completed and approval has been given after actual inspection by the Chief of the Chatham County Police department who shall make or cause to be made an on site inspection. (11/20/81, Sec. 3)
4. If any portion or section of this Ordinance shall be deemed invalid, it shall not affect the remaining sections which shall be deemed valid. (11/20/81, Sec. 4)
5. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (11/20/81, Sec. 5)
6. This Ordinance shall be deemed effective on the 20th day of November, 1981. (11/20/81, Sec. 6)

ARTICLE III

Sanitation

§21-301 Definitions. The following definitions shall apply to this Chapter 21, Article III, Sanitation: (Amended October 19, 1990)

1. Garbage. Garbage shall mean all putrescible waste such as waste from the preparation and cooking of foods, vegetables, fruits and meats, discarded food containers such as cans, bottles, paper, cardboard, crates, etc., and also putrescible waste from commercial and industrial processes, manufacturing, canneries, slaughter houses, packing plants, poultry processing plants or similar places.
2. Rubbish. Rubbish shall mean non-putrescible waste such as waste material from the construction, remodeling and repair operations on houses, commercial buildings and other structures, abandoned appliances and furniture, tree branches, grass, leaves, concrete, bricks, plaster, earth, lumber shavings, sawdust, paper, cardboard, crates, metal, rubber, junk, etc., and also non-putrescible industrial waste such as rejected building materials, rolls of paper and similar items.
3. Open Burning. Open burning shall mean any outdoor fire from which the products of combustion are emitted directly into the open air without passing through a stack, chimney or duct; approved incinerators shall not be construed as open burning.
4. Garbage Receptacles. Garbage receptacles shall mean cans, compartments, bins, or other containers used to keep, collect or store garbage pending its removal for disposal.
5. Sanitary Landfill. Sanitary landfill shall mean the orderly deposition of garbage in prepared trenches or areas, the compaction of the deposited garbage and the complete and prompt covering of the garbage with at least twenty-four (24) inches of clean earth or other acceptable material so as to produce a garbage-free surface.
6. Rubbish Fill. Rubbish fill shall mean an area approved for the deposition of rubbish only.
7. Incineration. Incineration shall refer to the process of converting any combustible material into an inert non-combustible ash or residue by burning in a manner and in equipment that will not create a public health nuisance or an excessive air pollution problem.

8. Person. Person means any person, firm, partnership, corporation, association, or agency.
9. Health Officer. Health officer shall mean the Commissioner of Health of the County of Chatham or his authorized representative.
10. Zoning Administrator. Zoning administrator shall mean that person who has been appointed as such by the Commissioners of Chatham County.
11. Garbage Collector. Garbage collector means a person who is engaged in the collection, transportation and/or disposal of garbage for profit.
12. Rubbish Collector. Rubbish collector means a person who is engaged in the collection, transportation and/or disposal of rubbish for profit.
13. Fire Inspector. Fire inspector means that person who has been appointed as such by the Commissioners of Chatham County. (#257, 4/19/68, Sec. 1)
14. Solid Waste. The term "solid waste" means discarded putrescible and nonputrescible waste, as further defined in O.C.G.A. 12-8-22 (18) as "municipal solid waste." "Municipal solid waste" means any solid waste resulting from the operation of residential, commercial, governmental, or institutional establishments except such solid waste disposed of in a private industry solid waste disposal facility. The term includes yard trash but does not include solid waste from mining, agriculture, or silvicultural operations. (Amended October 19, 1990)
15. Refuse. The term "refuse" shall mean the same as solid waste. (Amended October 19, 1990)
16. Solid Waste Dumpster. The term "solid waste dumpster" means a commercial solid waste storage receptacle larger than 32 gallon capacity, approved by the Health Officer or authorized representative, for the temporary storage of solid wastes as defined herein. (Amended October 19, 1990)
17. GEPD. GEPD means the Georgia Environmental Protection Division which is the State agency mandated to review and approve sanitary landfills and issue solid waste collection and disposal systems and facilities permits. (Amended October 19, 1990)

§21-302 Garbage Receptacles Regulated. It shall be the duty of the occupant of any premises to keep all garbage pending

collection and disposal in watertight rust-resistant easily cleanable receptacles covered with close-fitting lids, equipped with handles; provided that other types of receptacles approved by the Health Officer may be used in special circumstances. All garbage receptacles shall be cleaned as often as is necessary to prevent the accumulation of organic material in the receptacle and to prevent it from becoming a nuisance. The capacity of the individual garbage receptacle shall not be less than 10 gallons nor more than 32 gallons, provided special industrial receptacles of other capacities may be used. Receptacles adequate to hold the garbage normally accumulating between scheduled removals shall be provided for each of the affected premises. Mechanized collection service must be offered by the provider of the collection service before a mechanized receptacle can be used by the homeowner. (Amended September 11, 1992)

§21-303 Garbage Collections; Permits; Equipment. It shall be unlawful for a garbage collector to engage in the business of collecting, transporting, and/or disposing of garbage without holding an unrevoked permit from the GEPD. All equipment used in such garbage collection and/or transportation business shall be designed to prevent the escape of any garbage therefrom. Such equipment shall be provided with a watertight body designed so as to prevent the escape of any liquid. All surfaces of such collection and/or transportation equipment coming in contact with garbage shall be smooth, non-absorbent, and maintained in good repair. Only such equipment as approved by the GEPD may be used for said purposes. All such equipment shall be thoroughly cleaned often enough to prevent nuisances of fly breeding. All garbage spilled during collection and/or transportation shall be promptly removed by such garbage collector. At each collection, all garbage in the receptacle shall be promptly removed by such garbage collector. At each collection, all garbage in the receptacle shall be removed by such garbage collector. At each collection, all garbage in the receptacle shall be removed and the receptacle left covered. (Amended October 19, 1990)

§21-304 Incinerators and Sanitary Landfills. All garbage collectors shall dispose of garbage by either approved incineration, in an approved sanitary landfill, or under an unrevoked permit from the GEPD and the Zoning Administrator. No garbage collector shall hereafter establish or operate any new garbage disposal facility without first submitting plans and specifications to the GEPD and the Zoning Administrator and receiving written approval there from as regards disposal site, method of disposal adequacy of equipment and supervision, and other pertinent matters. The operation of a sanitary landfill by a garbage collector shall conform to

O.C.G.A. 12-20 et seq. - Georgia Comprehensive Solid Waste Management Act and to the following standards:

1. It shall be unlawful for any garbage collector to operate a sanitary landfill without an unrevoked permit from the GEPD and Zoning Administrator. (Amended October 19, 1990)
2. The location of such sanitary landfill shall be such that it will not adversely affect neighboring property owners and as approved by the GEPD and Zoning Administrator. (Amended October 19, 1990)
3. The garbage shall be compacted into the smallest practicable volume by a crawler-type tractor or other suitable compaction machine as approved by the GEPD. (Amended October 19, 1990)
4. The exposed garbage shall be covered with a minimum of six inches (6") of earth or other acceptable material at the end of each day's operations; provided that when a sanitary landfill is operated on a continuous 24-hour a day basis, the covering shall be such as is approved by the GEPD. (Amended October 19, 1990)
5. When an area has been brought to final grade, the surface and side slopes will be covered with a minimum of twenty-four inches (24") of compacted earth or other acceptable material as approved by the GEPD. (Amended October 19, 1990)
6. Adequate and proper surface drainage will be provided so as to prevent ponding and/or erosion by rainwater.
7. The garbage collector shall be responsible for correcting or abating any nuisances that may occur as a result of the operations as approved on the GEPD design and operation plan. (Amended October 19, 1990)
8. After the active period of the filling operation is completed, the garbage collector or sanitary landfill operator shall be responsible for the repairing of cracks, crevices, depressions, and erosions of the surface and side slopes that may occur until complete stabilization of the landfill is accomplished or as otherwise approved by the GEPD closure plan. (Amended October 19, 1990)
9. The installation and operation of an incinerator by a garbage collector or sanitary landfill operator shall conform to the following standards: (Amended October 19, 1990)
 - a. The location of an incinerator shall be such that it will not adversely affect neighboring property owners and as

approved by the GEPD and Zoning Administrator. (Amended October 19, 1990)

- b. Incinerators shall be installed and operated so as not to create an air pollution problem.
- c. The owner and/or operator shall be responsible for correcting or abating any nuisances that may occur as a result of the operation.
- d. The ashes or residue resulting from incineration shall be disposed of in a sanitary landfill or as otherwise approved by the GEPD. (Amended October 19, 1990)
- e. Nothing herein contained shall require the relocation of any existing incinerator.
- f. Any incinerator installed after the passage of this Ordinance shall be approved by the GEPD and Zoning Administrator. (#257, 4/19/68, Sec. 4) (Amended October 19, 1990)

§21-305 Rubbish Fills. All rubbish collectors shall dispose of rubbish by either approved incineration or in an approved sanitary landfill or an approved rubbish fill. The operation of a rubbish fill by a rubbish collector shall conform to the following standards:

- 1. It shall be unlawful for any rubbish collector to operate a rubbish fill who does not hold an unrevoked permit from the Zoning Administrator and GEPD. (Amended October 19, 1990)
- 2. The location of such rubbish fill shall be such that it will not adversely affect neighboring property owners. (Amended October 19, 1990)
- 3. Access shall be controlled so as to prevent unauthorized dumping.
- 4. When an area has been brought to final grade, the surface and side slopes shall be covered with earth or other acceptable material. (Amended October 19, 1990)
- 5. The rubbish landfill operator/collection shall be responsible for the proper operation of the landfill according to the terms and conditions of the GEPD's operating permit. Any violations of the operating permit standards (such as accidental dumping of unauthorized materials) shall be documented and reported immediately to the GEPD for investigation and instructions as to the appropriate corrective actions. (Amended October 19, 1990)

§21-306 Open Burning Regulated. (Amended December 5, 2003)

1. The County encourages composting or mulching of residentially generated yard waste materials that can be used by residents/occupants as a soil amendment or dressing material for planting beds. Composting and mulching of residentially generated yard waste reduces water consumption, the need for natural or synthetic fertilizers, and for disposal of a completely biodegradable waste product.
2. No person, firm or corporation shall cause, suffer or allow to permit open burning within one mile of the City limits of any municipal corporation nor any residential subdivision, even if the resident lives within one mile or in a residential subdivision as long as the materials are from their own residence except for (1) reduction of leaves; (2) the reduction on the premises and by an occupant thereof of domestic rubbish originating solely within any building or structure used primarily for dwelling purposes and containing three or less dwelling units; (3) cooking purposes; (4) comfort heating with approved type equipment; (5) controlled burning of woods or timberlands pursuant to generally accepted forestry and/or game management purposes. It shall not be required that restrictions be imposed for: (1) the operation of devices using open flame such as tar kettles, blow torches, welding torches, portable heaters and other flame-making implements, or (2) the setting and maintenance, by contractors and tradesmen, of miscellaneous small fires necessary in such activities as street paving work or installation or repair of sewer, water, telephone, electric, or gas mains and services and demolishing buildings, trees, and brush for cleared areas, provided that fires are kept small in size and shall not allowed to produce unnecessary smoke.
3. The County discourages the open burning of yard waste as a method of self-management. However, the burning of leaves, small limbs and other vegetative materials may be permitted as outlined in the preceding paragraph of this ordinance, provided that:
 - a. The owner has obtained the required burn permit from the Georgia Forestry Commission and is in compliance with all of the requirements and parameters of that burn permit.
 - b. The owner has obtained the required burn permit from the Chatham County Department of Building and Regulatory Services or Southside Fire Department, and is in compliance with all of the requirements and parameters of that burn permit.

- c. That all material burned on the property owner's premises was generated on the property where the burn is conducted.
 - d. The owner is not creating a fire hazard with the burning activity as determined by the Department of Building Safety and Regulatory Services and the Southside Fire Department.
 - e. The owner is not creating excessive smoke as a result of the burn that will result in complaints of diminished air quality or aggravation of health and medical conditions of persons living or located on contiguous property.
 - f. The owner shall not commence a burn prior to 10:00 a.m.
4. Burning may occur within the confines of the property lines of the owner/occupant, provided:
 - a. Burning within ditches or other drainage structures within a public right-of-way or easement is prohibited.
 - b. Burning on the right-of-way or on edge of pavement or pavement surfaces is prohibited.
 - c. Burning of vegetative wastes not generated on that property is prohibited.
 5. Any official of the Georgia Forestry Commission or other public safety/inspection official may shut down a burn on private property if it is creating a nuisance, fire hazard or constitutes a real and present danger to public health and safety.
 6. Burning for land clearing must receive the approval of the Georgia Environmental Protection Division, the Georgia Forestry Commission, and the Chatham County Inspection Department and/or Southside Fire Department.

§21-307 Enforcement of Sanitation Code. It shall be the duty of the County Inspections Director, County Zoning Administrator, County Health Officer, County law enforcement officers, and other authorized County enforcement officers to enforce the provisions of this Article of the Code of Chatham County. (Amended October 19, 1990)

§21-308 Location of Garbage and Refuse. Garbage or refuse placed on the side of the road, in a public right-of-way or at the front of any dwelling, structure or residence for collection, transfer or pick-up shall be in water-tight, air-tight and rodent-proof receptacles pursuant to the provisions of this

Ordinance. Receptacles shall be removed from the side of the road, public right-of-way and front of the dwelling, structure or residence no later than 24 hours after collection of garbage or refuse. (Amended February 6, 1998)

§21-309 Penalty. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Code Article. Any person who violates this Code Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Code Article. (Amended October 19, 1990)

§21-310 Garbage Collections Regulated.

1. It shall be unlawful for any person, firm, or corporation to engage in the business of garbage or refuse collection in Chatham County, Georgia, outside of any municipality therein without first complying with the following regulations:
 - a. Every person, firm or corporation engaged in such business as set forth in 301 shall after March 1, 1957, use trucks that are enclosed or are equipped with suitable covers so that refuse or garbage cannot fall, be scattered or blown from said truck.
 - b. No license or permit for garbage or refuse collection shall be issued or granted to any person, firm or corporation employing any equipment not able to conform with the above requirements.
 - c. It shall be unlawful to allow refuse or garbage to be blown, scattered or dropped from a truck while being used for the collection of garbage or refuse. (#111, 12/14/56)

§21-311 Disposable Bags. It shall be unlawful for any person, firm or corporation engaged in the business of garbage or refuse collection in the unincorporated area of Chatham County to collect, place, or pick-up garbage or refuse from any receptacle other than an air-tight, water-tight, and rodent-proof receptacle meeting the requirements of the Chatham County Health Department. It is the intent of this provision that no such business shall authorize, use, employ, or suggest the use by its customers of so-called plastic bags

or paper bags, or any other bag manufactured for refuse disposal without the deposit of such bags in properly approved receptacles. Receptacles shall be removed from the side of the road, public right-of-way and front of the dwelling, structure or residence no later than 24 hours after collection of garbage or refuse. (Amended February 6, 1998)

§21-312 Litter; Definitions.

1. The word litter means nonputrescible waste material from the construction, remodeling and repair operations in houses, commercial buildings and other structures, abandoned appliances and furniture, tree branches, grass, leaves, concrete, bricks, plaster, lumber shavings, sawdust, paper, cardboard, crates, metal, rubber, junk, etc., and also nonputrescible industrial waste, such as rejected building materials, rolls of paper and similar items, refuse, garbage.
2. The phrase public property means the rights-of-way of any road or highway, public parks, public playgrounds, public buildings, public refuge, conservation recreation areas. The phrase "private property" means residential or farm properties, timberlands or forests.
3. The word person means any person, firm, partnership, corporation, association or agency. (#486, 2/15/74, Sec. 1)

§21-313 Same; Prohibitions. It shall be unlawful for any person or persons to violate the provisions of this article or to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public property or private property in Chatham County, Georgia, without the corporate limits of any municipality therein, unless: (Amended October 19, 1990)

1. Such property is designated by the County or any of its agencies for the disposal of such litter;
2. Such person has obtained an unrevoked permit from the Zoning Administrator of Chatham County and conforms to the standards set forth; or
3. Unless the act is done by the owner or the tenant all in a manner that will not adversely affect neighboring property owners. (#486, 2/15/74, Sec. 2)

§21-314 Same; Violations. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Code Article. Any person who

violates this Code Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Code Article. (Amended October 19, 1990)

§21-315 Title. The title of this Ordinance shall be Dumping Charges for Commercial Operators and Municipalities at County Landfills.

§21-316 Purpose. The purpose of this Ordinance shall be to provide for a charge for dumpings made at the County landfill by commercial operators and municipalities. A non-commercial pickup truck may unload without charge. Pick-up truck shall mean a truck with a 3/4 ton capacity body with single rear wheels. (5/14/82)

§21-317 Duty of Finance Department. The Finance Department is hereby authorized to establish a line of credit or coupons for those commercial operators or municipalities seeking the same, based upon criteria developed by the Finance Department and approved by the Commissioners.

§21-318 Fees. A Fee Collection system shall be enacted whereby:

1. There shall be established a cost reimbursement fee for the operation of all County owned and operated solid waste disposal facilities. This fee shall be imposed equally upon all users of the solid waste disposal facilities.

Residents may continue to dump residential dry trash without a direct charge. However, charges for residential use will be calculated by the Chatham County Public Works Department and the appropriate charges will be transferred by the Chatham County Finance Department to the correct account.

A charge of \$1.00 per ton shall be added to the cost reimbursement fee to be in compliance with state law. This \$1.00 charge shall be placed in a restrictive account for the sole use of solid waste management activities which are in compliance with the local comprehensive solid waste management plan.

2. There shall be established a charge of \$1.00 per ton for solid waste received, imposed upon all municipal solid waste disposal facilities operated by private enterprise.

The County Finance Department shall collect these funds and deposit them in a restricted account. The funds shall be used solely for solid waste management activities.

Solid Waste Management activities include but are not limited to the study and implementation of solid waste management goals which are in compliance with the local comprehensive solid waste management plan.

The tonnage received each month shall be reported on a form, for each site, development by the County Finance Department. The form shall be submitted to the County Finance Department, no later than the 15th of the following month, with the required tonnage fee.

3. There shall be a charge of \$1.00 per ton imposed upon the operators of all industrial and dry trash solid waste disposal facilities within Chatham County, except for private onsite industrial solid waste disposal facilities.

The County Finance Department shall collect these funds and deposit them in a restricted account. The funds shall be used solely for solid waste management activities.

Solid Waste Management activities include but are not limited to the study and implementation of solid waste management goals which are in compliance with the local comprehensive solid waste management plan.

The tonnage received each month shall be reported on a form, for each site, development by the County Finance Department. The form shall be submitted to the County Finance Department, no later than the 15th of the following month, with the required tonnage fee.

4. All funds collected from the \$1.00 charge shall be placed in an interested bearing account with the interest being added back to the total account. Up to five percent of the fees collected can be used to offset the cost of fee collection and auditing.

(Section 21-318 amended April 10, 1992)

§21-319 Applicable Laws. The above users of the County landfill shall comply with all applicable local and state laws.

§21-320 Geographic Scope. This Ordinance shall be effective in the unincorporated areas of Chatham, outside the corporate limits of any municipality found therein. (4/23/82)

§21-321 Solid Waste Dumpster Design Standards and Requirements. It shall be the duty of the owner/operator of any multi-family

dwelling development, manufactured home/mobile home park, commercial, institutional, or industrial establishment to store and maintain garbage or rubbish pending collection and disposal in watertight solid waste dumpsters. Such receptacles shall be provided, used and maintained as follows:

1. Solid Waste Dumpster. A commercial solid waste storage receptacle larger than thirty-two (32) gallons, approved by the Health Officer or authorized representative for the temporary storage of garbage and rubbish for collection and disposal at a permitted landfill or incinerator. All solid waste dumpsters shall be of a stable construction so as not to tip over when a horizontal force of seventy (70) pounds or a vertically downward force of one hundred and ninety-one (191) pounds shall be applied to a point most likely to cause tipping. All solid waste dumpsters shall have close-fitting lids.
2. Use by Certain Establishments Required. Solid waste dumpsters shall be used except in those cases where it can be demonstrated to the Health Officer, that the volume of solid waste generated per week is less than the equivalent of six (6) thirty-two (32) gallon disposable household receptacles, or that an acceptable alternative system is proposed.
3. Dumpster Provider, Maintenance, and Authorized User. The solid waste collection service shall be responsible for providing and maintaining solid waste dumpsters in sanitary and workable condition. Only the person(s) paying for the commercial solid waste collection service shall be authorized to use the dumpsters. Such person(s) shall maintain the area around the dumpsters free of trash, debris, boxes and other solid wastes. All lids and side doors shall be kept closed by the user so that the contents are covered at all times.
4. Zoning Administrator and Health Officer Responsible for Dumpster Site Plan for New Buildings or Changes to Building Usage. The location and suitability of each dumpster shall be approved via site plan by the Health Officer and Zoning Administrator prior to initiation of the collection service. The Zoning Administrator shall require a site plan showing the locations of each solid waste dumpster, dumpster pad, screening, method of cleaning, and other requirements of this ordinance before issuance of a building permit or use permit. The Health Officer shall also review and approve the site plan.
5. General Design Standards. All new solid waste dumpsters shall be screened from view from public rights-of-way and adjacent properties. Dumpsters shall be easily accessible to collection vehicles at all times and conveniently situated to serve the

authorized users. Except as otherwise approved by the Health Officer and Zoning Administrator, no dumpster shall be located in the required building front yard setback area or within any public rights-of-way.

6. Minimum Design Standards for Dumpster Pads. Except as otherwise authorized by the Health Officer and Zoning Administrator, dumpsters shall be placed on a 12' wide (inside) x 10' deep with a 6" reinforced concrete pad enclosed by a six foot high solid architecturally designed fence with exterior landscaping. The fence opening shall be a minimum of 10 feet wide. Bollards, concrete curbing, or guardrails designed to protect the screening fence and enclosure gates from any movement of the dumpster shall be provided. The paving surface adjacent to the front of the pad shall be a minimum of 12' wide x 6' deep x 6" thick reinforced concrete apron to be constructed at the entrance of the pad enclosure to protect the surface from deterioration by movement of the dumpster and the front wheels of the collection vehicle.
7. Number of Solid Waste Dumpsters and Frequency of Pickup. The Health Officer and Zoning Administrator may require additional dumpsters and/or increase the frequency of collection if the user(s) and collection service do not maintain a clean environment around the dumpster(s).
8. Burning and/or Disposal of Large Objects in Solid Waste Dumpsters Prohibited. Dumpsters shall not be utilized to burn solid waste or any other materials. Large objects shall be reduced in size before placement in the dumpster. Large objects shall include, but not be limited to, cardboard boxes, paper containers, wooden boxes and crates, and other similar objects larger than thirty-six (36) inches in depth, height and width. The following materials shall not be deposited in solid waste dumpsters:
 - a. tires
 - b. furniture larger than 36 inches x 36 inches x 36 inches
 - c. bed springs or mattresses
 - d. rocks, dirt, concrete blocks
 - e. appliances, pipes, or other heavy metal objects larger than 36 inches x 36 inches x 36 inches
 - f. tree limbs or lumber over 36 inches in length x 5 inches in diameter
 - g. explosives or flammable materials

- h. liquids
 - i. animal bodies unless placed in sealed bags and properly handled according to applicable health regulations.
 - j. wood packing pallets larger than 36 inches x 36 inches
 - k. engine blocks
9. Placement of Garbage in Dumpster. All garbage and other putrescible solid wastes shall be placed in air and water-tight disposable bags before placing solid wastes in any solid waste dumpster.
10. Cleaning of Dumpsters. The method for cleaning each dumpster shall: (1) be indicated on the site plan. Dumpster pads shall be constructed with a sanitary sewer drain with grease trap (see Plumbing Code), plus a standard water hose bib within close proximity (50 ft.) of the dumpster pad for washing; or (2) the owner must contract with a solid waste collection service for cleaning services as needed according to the Health Officer as stated on the site plan. (Section 321 Amended October 19, 1990)

ARTICLE IV

Integrated Solid Waste Management Practices and Procedures

§21-401 Authority and Purpose.

1. Chatham County ("The County") shall provide for the management, collection, disposal of portions of the solid waste stream.
2. All solid waste collected or slated for management by the County shall become the property of the County.
3. All recyclable materials slated for recovery and collected by the County or on behalf of the County shall be the property of the County.
4. No scavenging from either curbside materials or drop-off center materials is permitted.

§21-402 Definitions.

1. Banned Items means any specific solid waste items/materials prohibited from disposal in specified types of disposal facilities.
2. Bulky Items means household furniture ("brown goods"), electronic appliances such as televisions, stereos, door and window screens, swing sets, yard furniture, over-side children's toys, wading pools, household appliances ("white goods") and other items generated by a household as part of its solid waste which are too large for placement in a garbage can or container.
3. Collector/Hauler means any individual, business, municipal or governmental entity which collects solid waste or recyclable materials commercially or as a public service and transports such materials to a permitted recovery or disposal facility.
4. Combined Waste Stream means the total aggregate waste disposed of within the County by residential, commercial and industrial generators.
5. Composting means the controlled biological decomposition of organic matter into a stable, odor-free humus.
6. Commercial Solid Waste means all solid waste (including unrecovered recyclable materials) generated by industrial, commercial or business activities. This includes solid waste generated within multi-family residences and all waste placed

in public receptacles on public streets, parks, playgrounds, beaches, and other public places or common property.

7. Construction and Demolition Debris (C&D Debris) means those scraps of lumber, sheet rock, shingles wallboard, plaster, concrete, brick or other residual building material generated in construction, remodeling or demolition of any existing building.
8. Drop-off Center means any County authorized site designated for collection of specific portions of the County's combined waste stream, including such items as yard waste, bulky items and recyclable materials. Drop-off Centers are primarily intended as collection sites for residentially generated waste materials, not for final disposition.
9. Fiscal Year means any consecutive twelve (12) month financial accounting cycle.
10. Hazardous Waste means all solid waste which has been defined as hazardous waste in regulations promulgated by the Board of National Resources, Chapter 391-3-11. For the purposes of a working definition hazardous waste is any waste or combination of wastes which are determined because of the quantity, concentration, physical, chemical or infectious characteristics that such waste may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a present or potential threat to the health of humans or other living organisms.
11. Land Clearing Debris means vegetative solid waste generated solely as a result of land clearing, but does not include vegetative solid waste resulting from agricultural or forestry management operations.
12. Multi-family residential Units for the purposes of this ordinance shall mean residential properties classified as having more than one dwelling unit per property or parcel. This definition includes, but is not limited to apartments, mobile home parks, condominiums or town homes where aggregate collection of solid waste is provided as part of a rental or lease agreement.
13. Municipal Solid Waste means garbage, refuse, litter, rubbish or any materials (including unrecovered recyclable materials) resulting from residential, commercial, business, industrial or agricultural activities (with the exception of land clearing debris, as noted above) not disposable by means of a sewage system.

14. Open Burning means the combustion of solid waste without:
 - a. the control of combustion air to maintain adequate temperatures for efficient combustion;
 - b. containment of the combustion reaction in an enclosed device to provide sufficient resident time and mixing for complete combustion, and,
 - c. control of the emissions of the combustion process.
15. Putrescible Wastes means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include, but are not limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, municipal solid waste and wastes which are contaminated by such wastes. Such waste is currently collected on an individual contract basis by private haulers in the unincorporated area of Chatham County.
16. Processing Operation means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, building and other elements.)
17. Recovered Materials means those materials which have a known use, reuse or recycling potential; that can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use or recycling, whether or not such materials require subsequent separation or processing.
18. Recyclable Materials means those materials recovered from the solid waste stream that are capable and viably recyclable and which would otherwise be processed or disposed of as part of the municipal solid waste stream.
19. Recycling means any process by which solid waste or specific materials within the solid waste stream which would otherwise be disposed of as municipal solid waste, are collected, separated or processed and reused or returned to use in the form of raw materials or products.
20. Recycling Bin/Bag/Container means any receptacle or device designated by the County and used for the containment and collection of recyclable materials.
21. Scavenging means the unauthorized removal of solid waste from a waste collection area or solid waste collection facility.

22. Single-family residential, for the purposes of this ordinance means residential properties classified by the County as having only one dwelling unit per property or parcel.
23. Transfer Station means any permitted facility used to temporarily hold and then transfer municipal solid waste from one transportation vehicle to another for the purposes of transporting municipal solid waste to a disposal facility or processing operation.
24. Trash Bag/Kraft Bag/Container or Garbage Can means any receptacle of a size and type designated by the County for containment of specified portions of the municipal solid waste stream.
25. Yard Waste means all organic materials produced through routine residential lawn, garden and tree maintenance to include grass clippings, leaves, foliage, pruning, branches, as well as discarded Christmas trees.
26. White Goods means durable household appliances, including stoves, refrigerators, dishwashers, hot water heaters, washers, dryers, and residential air conditions. This does not include electronic appliances such as televisions, stereo systems, or component parts, microwave ovens or computer equipment.

§21-403 Responsibility of Property Owner/Occupant for Preparation, Separation, Storage and Placement of Waste for Curbside Collection.

1. All property owners and occupants in unincorporated Chatham County shall be required to prepare and store all waste slated for collection by the County in the following manner:
 - a. Leaves, grass clippings and other small vegetative materials shall be placed in appropriate containers or compostable bags not to exceed 32-gallons in size. Appropriate containers shall be construed to mean standard metal or plastic garbage cans, specified paper or biodegradable plastic bags specifically manufactured for composting operations as authorized by Chatham County. Such containers when full, shall not exceed fifty (50) pounds in weight.
 - b. All yard waste materials shall be containerized, stacked or otherwise kept separated for collection by the property owners/occupants. Commingling of yard waste and other bulky items is prohibited. Commingled materials will be left at curbside until the appropriate separation by the owner/occupant has occurred.

- c. Discarded tree branches, heavy brush, prunings and discarded Christmas trees which cannot be placed in containers shall be stored and stacked in a neat and orderly manner. Trees shall be cut into maximum of four (4) foot lengths and stacked for collection.
- d. Yard waste materials shall be placed off the vehicular right-of-way, on the, where practicable, street side of any ditch or storm water collection system and in such a manner as to not create an obstruction for vehicular or pedestrian traffic. Waste to be collected by the County whether loose or containerized, shall not be on the curb or situated in such a way that would cause waste to fall into a ditch, block or impeded the flow of storm water, i.e., disposed of in gutters.
- e. Property Owners and occupants shall be responsible for maintaining trash containers and ensuring that bundles are prepared and stored in accordance with the provisions of this section.
- f. Any and all materials slated for collection by the County shall not be place at curbside more than 72 hours in advance of each separate collection event.
- g. All white goods, including refrigerators, freezers, other appliances with a door latching mechanism, shall have the doors removed, sprung or secured in such as manner as to prevent accidental closure.

§21-404 Self-Management of Yard Waste Materials in Unincorporated Chatham County. (Amended December 5, 2003)

1. The County encourages composting or mulching of residentially generated yard waste materials that can be used by residents/occupants as a soil amendment or dressing material for planting beds. Composting and mulching of residentially generated yard waste reduces water consumption, the need for natural or synthetic fertilizers, and for disposal of a completely biodegradable waste product.
2. The County discourages the open burning of yard waste as a method of self-management. However, the burning of leaves, small limbs and other vegetative materials may be permitted on the premises of the property owner or occupant, provided conditions are met as required under Section 21-306 of the Chatham County Sanitation Ordinance.
3. Burning may occur within the confines of the property lines of the owner/occupant, provided:

- a. Burning within ditches or other drainage structures within a public right-of-way or easement is prohibited.
 - b. Burning on the right-of-way or on edge of pavement or pavement surfaces is prohibited.
 - c. Burning of vegetative wastes not generated on that property is prohibited.
4. Burning for land clearing must receive the approval of the Georgia Environmental Protection Division, the Georgia Forestry Commission, and the Chatham County Inspection Department and/or Southside Fire Department.

§21-405 Curbside Collection by the County.

1. The County shall provide a regular weekly scheduled curbside pickup in the unincorporated area for the following items:
 - a. Yard waste, including such items as leaves, pine straw, grass clippings, prunings, limbs, brush, provided such materials are properly separated, containerized and/or stacked as specified in Section §21-403.
2. The County shall provide a regular monthly scheduled curbside collection in the unincorporated area of the County for the following items:
 - a. Separated bulky items.
3. The County shall not provide for collection of the following:
 - a. Materials used in the construction of buildings or resulting from the demolition of buildings.
 - b. Logs and limbs resulting from commercial, contracted or major resident/occupant tree trimming or tree removal operations or land clearing activities.
 - c. Waste from commercial establishments (including residential complexes, where aggregate collection of solid waste is provided for the residents/occupants/lessees as part of a lease or rental agreement), which accumulates as a result of conducting the business.
 - d. Explosive or flammable liquids, solids or gases.
 - e. Hazardous wastes.

§21-406 Drop-off Centers.

1. Individuals residing in either incorporated or unincorporated areas of Chatham County may utilize County drop-off facilities for the collection of the following type of wastes only:
 - a. Leaves, grass clippings, and other small flexible vegetative yard waste materials, prunings brush and other yard waste materials generated from residential property.
 - b. Bulky items
 - c. Household generated construction and demolition debris
 - d. Designated recyclable materials
2. Drop-off centers located throughout the County are for the sole use of residential households to dispose of yard waste, construction and demolition debris, bulky items and designated recyclable materials only.
3. Residents delivering either yard waste, bulky items or recyclable materials shall ensure that all delivered materials are separated by waste type and that all materials delivered shall be placed in the appropriate separate containers. Delivered materials may not be commingled in the County provided drop-off center collection containers.
4. Commercial, business or industrial generators are not authorized to utilize drop-off centers to dispose of yard waste, construction and demolition debris materials or bulky items.
5. The disposal of any type of solid waste collected at drop-off centers outside the specifically designated disposal area or in near proximity to a drop-off center during non-operating hours shall be considered illegal dumping. Any persons found guilty of illegal dumping shall be subject to the penalties established within this Ordinance.
6. No person shall search, probe or scavenge any drop-off center or container therein.
7. All white goods with a door latching mechanism, including refrigerators, freezers, or other appliances shall have the doors removed, sprung or secured in such a manner as to prevent accidental closure.

§21-407 Post-storm and Disaster Recovery Debris Clean-up.

1. In the event of storms or disaster recovery, residents living in the unincorporated area shall be required to separate all materials requiring collection and disposal.
2. The separation(s) shall be by debris type, and shall include, but not be limited to the following: yard waste, vegetative materials, construction and demolition debris, household hazardous waste, putrescible solid waste and "other materials" as may be determined by the Director of Public Works as necessary to facilitate recovery activities and ensure public health and safety.
3. The separation(s) shall be effective for both curbside collection and for collections at County drop-off center facilities or other staging areas that may be open to the public.
4. Residents utilizing curbside collection in the unincorporated areas shall place all storm related debris materials designated for collection and disposal at the curbside, out of the right-of-way. No materials be placed in or around utility easement(s) or appurtenances (such as electric, telephone or cable poles or pedestals) nor in or around traffic control devices or signage or in any other manner that would impede emergency, vehicular or public safety response to storm or disaster recovery effort.

§21-408 Establishment of a Chatham County Recycling Program.

1. All residents living in incorporated and unincorporated areas of the County are encouraged to participate in any and all waste diversion/reduction or recycling opportunities available within the County.
2. The County shall phase in a recycling program at the drop-off centers throughout the County. The County shall determine the materials slated for recovery. Common recyclable materials, cardboard, fiberboard, magazines, catalogs, post-consumer steel (including aerosols), aluminum, glass food and beverage containers, post-consume plastic bottles or containers, waste oil, and textiles. Specific recyclable materials may vary from time to time at the discretion of the County Public Works Director due feasibility of recovery and availability of markets.
3. Residents of Chatham County shall abide by the required preparation requirements for each material slated for recycling. Such preparation may include, but is not limited to, removal of caps, rinsing of food and beverage containers, collapsing of cardboard or fiberboard boxes, removal of

labels, or other contaminates, as may be required in order to minimize contamination and the attraction of intersections, rodents or animals and to enable marketing of recoverable material(s) to a processor or end-user.

4. The County shall provide specially designated recycling containers for collection materials slated for recovery.
5. Residents utilizing the recycling drop-off facilities shall be responsible for ensuring that the materials delivered to the drop-off center have been properly prepared, placed in the proper screening area or designated collection container.
6. Residents who fail to adequately prepare recyclable materials, shall be responsible for the disposal of such inadequately prepared materials.
7. The drop-off recycling or composting area may be opened to commercial, business or industrial activities for specific materials designated for collection at the discretion of the Director of Public Works.

§21-409 Pilot Curbside Recycling Collection Programs.

1. The County may, at its option, elect to institute pilot curbside recycling collection programs through unincorporated Chatham County.
2. Areas to be included in pilot curbside recycling collection programs will be designated and residents in those areas will be provided with all information necessary to correctly participate in such pilot programs.
3. Materials slated for recovery and recycling shall be at the discretion of the Director of Public Works.
4. The duration of pilot programs shall be at the discretion of the Director of Public Works.

§21-410 Repeal of Conflicting Provisions of Other Ordinances. All ordinances or parts of ordinances herewith that are conflicting or include conflicting provisions are hereby repealed.

§21-411 Penalties. Any person, firm or corporation violating the provisions of this Ordinance shall be subject to the payment of a fine of \$100.00 or confinement in the County jail for a period of thirty (30) days, either or both or in any part of either or both at the discretion of the judge of Recorder's Court or Police Court of Chatham County, Georgia.

§21-412 Effective Date. This ordinance shall become effective thirty (30) days from the date of adoption by the Chatham County Board of Commissioners, in Open Court this 30th day of April, 1999.

ARTICLE V

Property Maintenance

Editorial note: Article V was replaced in its entirety March 11, 1991.

§21-501 Definitions.

1. "Object" shall mean any item of personal property other than a vehicle, boat or trailer-type vehicle, which is not related to the use and purpose for which the real property is occupied or owned or permitted by the applicable zoning classification. "Objects" under this chapter shall also include junk materials; machinery and equipment; appliances or other household items; lumber and building materials; and dirt, sand, fill, rock, stone or other materials not forming part of a structure or landscaping.
2. "To place" shall mean to establish the presence on property of an object which:
 - a. Is capable of being moved or removed which is not affixed to the real property; and
 - b. Is present for a period of ten (10) consecutive days whether or not the location of the item on the property is changed.
3. "Person" shall mean any natural person, corporation, partnership, authority created by statute, association or other entity or combination thereof.
4. "Vehicle, automotive" shall mean an automobile, truck, van or other motor vehicle designed and intended for use in transporting people and goods.
5. "Front yard" shall mean portion of the property between the right-of-way line of an abutting street and the building line for the principal building on the lot and extending from property line to property line along such building line. If there is no building on the property, the entire property shall be deemed the front yard.
6. "Established driveway" shall mean an area that is paved, graveled, bare of vegetation, or otherwise clearly indicative of the area that is normally used for vehicles to enter onto or exit from real property from or to a public or private street.
7. "Derelict automotive vehicle" shall mean a vehicle which:

- a. Is unusable due to disrepair because one (1) or more of the major parts needed for its operation has been removed or destroyed or has been made unsafe for operation of the vehicle through disrepair or damage; or (Amended December 3, 1999)
 - b. Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents and other animals to exist and attracts children, vagrants or other individuals and may cause injury to them.
8. "Derelict boat or trailer-type vehicle" shall mean boat or trailer-type vehicle which:
 - a. Is dismantled, partially dismantled, deteriorated or not safe for use due to disrepair or damage;
 - b. Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents and other animals to exist and attracts children, vagrants or other individuals and may cause injury to them.
9. "Accessory building" shall mean a carport, attached or detached garage, storage building or any other such not-for-habitation buildings on the premises.
10. "Hobbyist." Pursuant to the Property Maintenance Ordinance, there shall be no classification of any person as a hobbyist having a derelict automotive vehicle, derelict boat or trailer-type vehicle or abandoned motor vehicle. (Amended December 3, 1999)
11. "Unsafe Structure" is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. (Amended March 25, 2011)
12. "Unsafe Equipment" included any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. (Amended March 25, 2011)
13. "Structure Unfit for Human Occupancy" whenever the code official finds that such structure is unsafe, unlawful or,

because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. (Amended March 25, 2011)

14. "Unlawful Structure" is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. (Amended March 25, 2011)

§21-502 Premises Required To Be Kept Clean.

1. It shall be unlawful for the occupant of premises or the owner of premises to have, to place, or to allow any of the following on the premises to the extent and in a manner that could threaten or endanger the public health, safety or welfare or could adversely affect and impair the economic value of adjacent property:
 - a. Any accumulation of litter, debris, garbage or animal excrement on any front, side or rear yard or on any porch, or underneath any building or in any accessory building.
 - b. Any object or objects as defined, on the front yard or on a front porch.
 - c. Any object or objects, on the side or rear yards, or on side or rear porches or underneath any building or in any accessory building that is visible from a street or lane unless covered or enclosed so as not to be visible from a street or lane.
 - d. Any overgrown grass or weeds of a height of eighteen (18) inches or more or any other unkempt vegetation in any yard, front, side or rear.
 - e. Any storage building on the front yard or any dilapidated storage building on the side or rear yard.
2. It shall be unlawful to place an automotive vehicle, boat or trailer-type vehicle on the front yard of the premises unless placed on an established driveway or placed parallel and within five (5) feet of an established driveway.
3. It shall be unlawful to place, keep, store or allow to remain, any derelict automotive vehicle, or derelict boat or

trailer-type vehicle or parts thereof on a front yard or on an established driveway of a front yard, and it shall be unlawful to place, keep, store or allow to remain, any derelict automotive vehicle, or derelict boat or trailer-type vehicle or parts thereof on the side or rear yards if visible from a street, lane or adjoining property unless enclosed in an accessory building so as not to be visible from the street, lane or adjoining property.

4. The provisions of this section shall not apply to material which is being used in connection with a construction activity taking place on the premises provided the construction activity is being diligently pursued and complies with applicable ordinances and codes.

§21-503 Applicability. This Ordinance is effective in all residential zoned properties and in the zones that abut residential zones. Portions of large lots, undeveloped land, natural forest areas and land used for agricultural purposes within 150 feet of any building are required to maintain a five (5) foot wide strip at the property line abutting such land. (Amended January 10, 1992)

§21-504 Notification of Owner. Whenever any provision of this chapter is being violated and the land on which the violation exists is privately owned, the County shall notify the owner and/or any user in possession of the land on which the alleged violation exists to abate the alleged violation within ten (10) days of the date of service of notice. Notice shall be by personal service or certified mail addressed to the party in violation at the address where the party is determined to be located; or if not effected, notice shall be posted on the property in a conspicuous location.

§21-505 Violations. The failure to abate the alleged violation as set forth in the written notice within ten (10) days of the notice shall be deemed a violation of this chapter.

§21-506 Abatement by County. If the property owner or tenant under the preceding section fails to abate the violations within ten (10) days after such notice, the County may abate such violations with county forces or private contractor. The cost of such action by the County including administrative costs, labor and equipment shall be charged to the owner or tenant.

§21-507 Responsibility for Cost. Charges and expenses entailed in abating the violation shall be assessed against the owner, tenant, or such other person as may be liable therefor.

§21-508 Executions Issued for Cost. If such assessments are due and remain unpaid for a period of thirty (30) days after such work is completed Chatham County shall issue an execution against the owner of such premises from which such violation was abated. Said execution shall be a lien upon the premises and when recorded in the general execution docket of the County, shall be a lien on all of the property of the defendant in execution from the date of such record.

§21-509 Penalties. Any person who violates this ordinance shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

Note: §21-510 through §21-517 were adopted March 25, 2011.

§21-510 Appeals. Any person receiving written notice from the code official of deficiencies in his property under this code may within 30 days following the date of such notice enter an appeal in writing to the Housing Board of Adjustments and Appeals. Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the variance or modification requested, the reasons therefor, and the hardship or conditions upon which the appeal is made.

§21-511 Right of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

§21-512 Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the

corrections or repairs required by such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§21-513 Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

§21-514 Imminent Danger. When in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same

§21-515 Minimum Standards for Basic Equipment and Facilities.

1. No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:
 - a. Sanitary Facilities. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary

working condition free from defects, leaks and obstructions.

- b. Location of Sanitary Facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 sq. ft. (2.8 m²) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.
- c. Hot and Cold Water Supply. Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory, and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.
- d. Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 110°F (43°C). Such water heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of this code are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the International Plumbing Code® to not less than 110°F (43°C).
- e. Heating Facilities Required. Heating facilities shall be provided in structures as required by this section. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- f. Kitchen Facilities. Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:
 - i. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.

- ii. Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
- iii. Freestanding of permanently installed cookstove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
- iv. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

Exception: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cookstove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

- g. Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, of a type and location approved by the applicable governing body.
- h. Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendation and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL217 (1989), Single and Multiple Station Smoke Detectors. Smoke detector shall be installed at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 - iii. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.

§21 - 516 Minimum Requirements For Light And Ventilation.

1. Windows. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than 3 ft. (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.
2. Ventilation. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

3. Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.
4. Electric Lights and Outlets. Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting outlet. In kitchens, two separate and remote receptacle outlets shall be provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet. In

bathrooms, the lighting outlet shall be controlled by a wall switch. In addition to the lighting outlet in every bathroom and laundry room, there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code.

§21-517 Designation of Unfit Dwellings and Legal Procedure for Condemnation.

1. Dangerous Structures. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the code official.
 - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
 - b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.
2. Form of Notice. Whenever the code official has declared a dwelling or multiple dwelling as unfit for human habitation and constituting a nuisance, he shall give notice to the owner of such declaration and placarding of the dwelling or multiple dwelling as unfit for human habitation. Such notice shall:
 - a. Be in writing;
 - b. Include a description of the real estate sufficient for identification;
 - c. State the time occupants must vacate the dwelling units; and
 - d. State that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the code official shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with violation of this code.
3. Service of Notice. Service of notice to vacate shall be as follows:

- a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - b. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
 - c. By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.
4. Vacating of Condemned Building. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated by placarded by the code official, shall be vacated within 30 days after notice of such condemnation has been given by the code official to the owner and/or occupant of the building.
 5. Occupancy of Building. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the code official. The code official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have eliminated.
 6. Removal of Placard or Notice. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in 21-517(5).

ARTICLE VI

Chatham County Biomedical Waste Ordinance

§21-601 Title. The title of this Ordinance shall be the Chatham County Biomedical Waste Ordinance.

§21-602 Definitions. For the purpose of this Ordinance, the term biomedical waste means:

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, suctionings, 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. Sharps, 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 growth and spread of tumors or malignant cells) during the preparation, handling, and administration of such 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 that 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.

§21-603 Limitation on Disposal of Biomedical Waste. Disposal of biomedical waste generated inside or within Chatham County; and no biomedical waste shall be brought into Chatham County for disposal that was generated outside the boundaries of Chatham County.

§21-604 Penalties. Failure to comply with this Ordinance shall result in a fine not to exceed \$500.00, imprisonment in the County Jail for thirty (30) days, or labor on the work gang for sixty (60) days for any single offense, or any combination thereof, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§21-605 Severability. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Chatham County Board of Commissioners declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

§21-606 Conflicting Laws Repealed. All resolutions or ordinances, or parts thereof, in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any resolution, ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Chatham County, is hereby adopted as a part hereof.

§21-607 Exemptions. The provisions of this Ordinance shall not apply to non-profit health service organizations located in Chatham County which collect, process and distribute blood and blood products.

§21-608 Effective Date. This Ordinance shall become effective on the 8th day of December, 1989.

ARTICLE VII

Chatham County Nuisance Abatement Code

§21-701 Title, Authority and Scope.

1. Title. This Ordinance shall be entitled the "Chatham County Nuisance Abatement Code."
2. Authority and Scope. This Ordinance is enacted pursuant to the provisions of Title 41, Chapter 2, Sections 7 through 17, as amended, of the Official Code of Georgia Annotated (O.C.G.A.) and referenced herein as the "statute." O.C.G.A. Section 41-2-7 specifies the scope and purpose of this Ordinance. All powers and authorities granted to public officers and public authorities by the statute are hereby incorporated by reference so as to be assumed, delegated and granted pursuant to this Ordinance.

§21-702 Definitions. As used in this Ordinance (Article) the following words, terms and definitions shall apply:

1. Director. Shall be the Director of Inspections or any "public officer" as defined in O.C.G.A. Section 41-2-8(9) delegated with authority to enforce this Ordinance. The County Manager (or his designee) shall be the public officer who shall exercise the primary responsibilities prescribed by this Ordinance and shall be the "public officer" defined in O.C.G.A. section 41-2-8(9).
2. Hearing Officer. The person designated by the County Manager to conduct hearings required by this Ordinance.
3. Parties In Interest. Shall be the persons defined in O.C.G.A. Section 41-2-8(7).
4. Person. Shall be any natural person, corporation, partnership (general or limited), estate, trust or other entity or artificial person, or combination thereof.
5. Public Authority. Such agency or official(s) as defined in O.C.G.A. Section 41-2-8(8).
6. To the extent not stated above, the definitions set forth in Section 41-2-8 of the O.C.G.A. are incorporated herein by reference.

§21-703 Inspections and Notice of Hearing.

1. Inspections and Notices. Whenever a written request for inspections is filed with the County by a public authority, by

at least five (5) residents of the County or by the Director charging that any dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use or is vacant, dilapidated, and being used in conjunction with the commission of drug crimes, or whenever it otherwise appears to the Director that any dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use or is vacant, dilapidated, and being in conjunction with the commission of drug crimes; or there is present on the property an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions.

2. The Complaint. Director shall, if preliminary investigation discloses a basis for such charge(s), issue and cause to be served upon the owner and any parties in interest of such dwelling, building, or structure unfit for human habitation or unfit for its current commercial, industrial, or business use or vacant, dilapidated, and being used in conjunction with the commission of drug crimes, a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or the Hearing Officer). The complaint shall state the conditions which exist and specify the violations of this Ordinance or any other Ordinance or provision of the Code of Chatham County, including, but not limited to, its Building Code, Housing Code, and other provisions pertaining to the conditions of buildings, dwellings, and structures and shall contain a notice that a hearing will be held before the Hearing Officer pursuant to Section 21-704 of this Article.

§21-704 Hearing. The hearing will be held at a place within the County as designated in the complaint on a day and time certain which shall not be less than ten (10) nor more than thirty (30) days after the service of the notice. The owner and any party in interest known to the Director shall be given the right to file an answer to the complaint with the Director and to appear in person or otherwise, to give testimony at the hearing at the place and time specified in the notice.

§21-705 The Proceedings. The Hearing Officer shall preside at the hearing. The person conducting the hearing shall have authority to administer oaths or affirmations, examine witnesses and receive evidence at the hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing. The proceedings at the hearing shall be recorded or taken down or made by such other procedure as may be undertaken either in a verbatim or summary form so as to be reasonably accurate.

§21-706 The Record. The Director shall be the supervisor and custodian of the records on each property against which a complaint is issued and any hearing held. Such records shall be public records and made available to any party in interest and copies thereof provided upon the payment of such reasonable cost as may be incurred in duplicating or otherwise providing them. The records shall be preserved for not less than four years after the proceedings and action, if any, regarding the property are concluded.

§21-707 Orders for Corrective Action.

1. Decision. If, after the hearing, the Hearing Officer determines that the dwelling, building, or structure under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use or is vacant, dilapidated and being used in connection with the commission of drug crimes, the Hearing Officer shall state in writing the findings of fact in support of such determination and a conclusion. Absent such a finding, the complaint shall be dismissed.
2. Order. If warranted by the Hearing Officer's decision, the Director shall make a determination that such building, dwelling, or structure is unfit for human habitation or its current commercial, industrial or business use, or is vacant, dilapidated and being used in connection with the commission of drug crimes, in the form of an order which shall contain:
 - a. A determination that the dwelling, building, or structure can be repaired, improved or altered either at a cost of one-half ($\frac{1}{2}$) or less of the value of the dwelling, building or structure exclusive of foundation and lot after the improvements have been made, or at a cost of more than one-half ($\frac{1}{2}$) of the value of such structure exclusive of the foundation and lot after improvements has been made. If the cost to repair, improve or alter such structure is more than one-half ($\frac{1}{2}$) of the value of such structure exclusive of foundation and lot after the improvements have been made, the order may find that such structure be vacated and removed or demolished within a specified time frame. If the dwelling, building or structure can be repaired, altered or improved at a cost that is less than one-half ($\frac{1}{2}$) of the value of such structure or structures exclusive of foundation and lot after improvements have been made, the order may find either that the structure be rendered fit for human habitation or current commercial, industrial or business use within a specified time or shall be vacated and closed and secured against entry.

- b. An enumeration of conditions which render the dwelling, building or structure unfit for human habitation or other uses and an enumeration of remedial action necessary to correct each of the conditions;
- c. That if the owner and/or parties in interest elect to undertake the necessary remedial action, the Director shall establish:
 - (1) A specific period of time, reasonably established in relationship to the remedial action, during which such action must be commenced, including if necessary, separate commencement dates as to separate defects or work: and
 - (2) A specific period of time after the required commencement date of such remedial action, reasonably established in relationship to the necessary undertakings, within which such action shall be completed, including, if necessary, separate reasonable deadlines as to separate defects or work.
- d. That if the owner and/or the parties in interest do not notify the Director of the intent to comply within 15 days of service (or publication) of the order for corrective action for a building, dwelling, or structure which can be repaired at one-half ($\frac{1}{2}$) or less of its value, the Director shall subsequently commence and complete the vacating and closing of the dwelling, building, or structure; or in case of a building or dwelling which cannot be repaired at one half ($\frac{1}{2}$) or less of the value, to commence and complete the vacating and removal or demolition of said building, dwelling or structure.
- e. A statement that failure to comply with the order within the required time above set forth is in violation of this Ordinance and shall subject the parties and property to the remedies of this Ordinance.
- f. Where a condition exists regarding any property which constitutes an immediate danger to persons or adjacent property, the Director may shorten the time periods specified in this Article.

§21-708 Placarding. When the owner and/or parties in interest fail to comply with an order to vacate and close the dwelling, building, or structure and the Director causes such dwelling, building or structure and premises to be vacated and closed, the Director shall cause to be posted on the main entrance of

any dwelling or building or structure to be closed, a placard with the following words:

"This building is unfit for human habitation or commercial, industrial or other use. The use or occupation of this building for human habitation or for commercial, industrial or other use is prohibited and unlawful."

The placard shall bear the date posted, street number of the building involved and the signature of the Director. It shall thereafter be unlawful for such placard to be mutilated or removed or for such building to be occupied until the required corrective action is taken.

§21-709 Failure to Comply with Order. Should the owner and/or parties in interest fail to comply with an order to remove or demolish or vacate a dwelling, building or structure, the Director shall cause such dwelling, building, or structure to be vacated, demolished, removed or repaired; provided, however, that duty shall not be exercised until the Chatham County Board of Commissioners by formal resolution containing an appropriate legal description, has ordered the Director to effectuate the purpose of this Article with respect to a particular property.

§21-710 Demolition. No person shall begin demolition until a County permit for demolition has been obtained and all utilities have been cut off and capped at the street. The person who has secured the permit shall remove from the property all debris, trash, litter, rubbish, rubble and foundation exposed above the ground level; fill any excavation or other depressions to existing grade with clean dirt containing no more than twenty-five (25%) per cent stone or masonry; and adequately slope and drain all filled areas.

§21-711 Lien on Property. The cost of vacating, removing, closing and/or demolition by the County shall be a lien for such amount against the real property upon which the cost was incurred. The lien shall attach to the real property upon the payment of all costs of action against the property by the County and the filing by the County of any complaint or orders as in the lis pendens docket and as provided in O.C.G.A. section 41-2-12 (f) in the Office of the Clerk of Superior Court on the lien docket(s) maintained for such purposes. If the dwelling or building is demolished under a contract which results in payment by a contractor to the County, the proceeds of such sale shall be credited against the cost of the demolition. Any balance remaining shall be deposited by the Director in the Superior Court of Chatham County and shall be

secured and disbursed in such manner as may be ordered by such court.

§21-712 Procedure for Collection of Amount Due on Lien. The County shall enforce the collection of any amount due on a lien arising under this Article in the following manner:

1. Amount. The amount of the lien shall be established as follows: The costs of administration to be assessed against properties and service shall be established by ordinance. The cost of vacating, removal, closing or demolition shall be the cost paid or incurred by the County in effecting action against any property.
2. Notice of Lien. The owner, and/or parties if they possess a recorded interest in the property, shall be served with a copy of the lien and shall be allowed to satisfy the amount due on such lien by paying to the County, within thirty (30) days after the perfection of such lien, a sum of money not less than twenty-five percent (25%) of the total due on such lien, and by further paying the remaining balance due, together with interest at the rate of seven (7) per cent per annum, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as herein above prescribed.
3. Transfer of Property. Should such property be sold, transferred or conveyed by the owner and/or parties in interest at any time prior to the termination of the three (3) year payment period, the entire balance due on such lien, with earned interest, shall be due and payable to the County.
4. Non-satisfaction. Should the amount due on the lien, or any portion thereof, be unpaid after it is due, or upon the occurrence of the situation provided for in Section 21-710 b above, the County may enforce the collection of any amount due on such lien in the same manner as provided in O.C.G.A. section 48-5-358 and other applicable statutes, which shall be subject to the right of redemption by any person having any right, title or interest in or lien upon said property; all as provided by O.C.G.A. section 48-4-40.

§21-713 Service of Notices and Orders. Service of complaints shall be effected as provided in O.C.G.A. section 41-2-12.

1. Costs. The costs of service pursuant to this Article shall be included in the sums otherwise due under this Article.
2. Service. Such person(s) as designated by the County who are of legal age may be authorized to perform the service of all documents pursuant to this Article in the manner usually

performed by sheriffs, provided they follow the procedures established by statute for those officials and a fee may be assessed against the property so long as it does not exceed the fee currently imposed by the Sheriff of Chatham County for that activity. Any notice pursuant to Section 3, any order issued pursuant to Section 5 or any other post-hearing action affecting property may be served upon the owner and parties in interest by certified mail (return receipt requested) to the address specified in O.C.G.A. section 41-2-12, as applicable, and to the address of the property, if it is occupied on the date of inspection, care of "occupant." If any party has specified to the Director prior to or at the hearing an address for notice, that address shall be used for notices.

3. Failure to Answer Complaint. If the owner and the parties in interest neither file an answer to the complaint nor appear at the hearing, and a decision is rendered which affects the property, an advertisement shall be published in the legal organ for two consecutive weekdays that a hearing was conducted, a summary of the general findings of the hearing, the action required as pertaining to the property, and the consequences which may result from non-compliance with the code or notice. A notice may identify more than one property which was the subject of a hearing.

§21-714 Nuisance Properties Appeals Board.

1. The Board. A Nuisance Properties Appeals Board (The "Board") is created which shall consist of nine (9) members residing within the County who shall be appointed by the Chatham County Board of Commissioners. A quorum shall consist of five (5) members present and a majority of those present and voting shall constitute the required vote on pending matters.
2. Establishment of Board and Organization. The term of office for each member of the Board shall be for three years; or until a successor is appointed. The original members of the Board shall be as follows: Three members shall be appointed to serve for one year; three members shall be appointed to serve for two years; and three members shall be appointed to serve for three years. Thereafter, each appointee shall be appointed to serve for three years. In the event of a vacancy, a person shall be appointed to fill the unexpired term of the person who held that appointment. The Board shall elect one of its members as Chairman and Vice-Chairman, who each shall serve one year or until he is reelected or a successor is elected. The Board shall appoint a Secretary who may be an officer or an employee of the County. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine when matters are pending over which the Board has jurisdiction. If the Chairman or Vice-Chairman is

not present, the members present, by majority vote, shall designate one of them to serve as acting chairman for that meeting. The Chairman, or in his absence the vice chairman or acting chairman, may administer oaths or compel the attendance of witnesses by subpoena.

3. Expenses. The members of the Board shall receive no compensation for service, except, they shall be reimbursed for out-of-pocket expenditures made in connection with their duties upon property documentation being submitted to the Secretary.
4. Records. The Board shall keep minutes of its proceedings which shall specify the vote of each member upon each question, or if absent or failing to vote indicate such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the Board and shall be a public record.
5. Authority. The Board shall hear and decide upon appeals where it is alleged there is effort in any order, requirement, decision, or determination made by the Director on any matter affecting property which is subject to the procedures as above set forth in this ordinance. The Board, by resolution, may make recommendations to the Chatham County Board of Commissioners to consider amendments to this ordinance to facilitate its administration and operation.
6. Appeals. Appeals to the Board may be taken by any person aggrieved or by an office, department, board, or bureau of the governing authority affected by any decision of the Director. Such appeals shall be filed no later than 10 days after the date of notification of the decision to be appealed by filing with the Director and with the Secretary of the Board a notice of appeal specifying the decision appealed from and the grounds upon which the appeal is based, which notice shall contain the street address and telephone number, if available, for purposes of mailing and service of matters of and communication with the appellant. The Director shall forthwith transmit to the members of the Board all documents constituting the record upon which the action appealed from was taken.
7. Effect of Appeal. An appeal shall stay all administrative proceedings in furtherance of the action appealed from unless the Director certifies to the Board, after the notice of appeal is filed, that by reason of facts stated in the certification a stay would, in the opinion of the Director, cause imminent peril to the health, safety, or welfare of person or property. The Director shall cause to be served upon the appellant a copy of any such certificate by certified mail

or personal delivery at the address of such person specified on the notice of appeal. In such case of a certification causing peremptory action by the Director, such peremptory action shall not be stayed otherwise than by an order which may be granted by the Board at any special called or regular meeting or a restraining order by a court of record in accordance with the Civil Practice Act of Georgia. Any Board member may call a special meeting to consider whether to stay the peremptory action with oral or written notice to the appellant not less than five calendar days prior to the meeting and the notice shall act as a stay of the peremptory action. In no event shall the peremptory action be taken less than three business days after the date of certification.

8. Notice of Hearing. The Chairman shall schedule and give notice of a hearing not less than 10 days prior to the date upon which it is scheduled, which notice shall specify the time, date, and place of the hearing which shall be held in the unincorporated limits of Chatham County. Notice shall be given to the appellant, the Director, and any other person who has given notice to the Director that such person is an interested party and specifically requests notice of the scheduling of any proceedings. Notice may be transmitted by certified mail, or personal delivery.
9. Calendar. Appeals and applications filed in proper form shall be numbered serially, docketed and placed upon the calendar of the Board. The calendar of appeals to be heard, when established and notice having been given, shall be posted conspicuously in the office of the Board and in the office of the Director during the period before the hearing date.
10. The Hearing. At the scheduled date, time, and place of hearing on any appeal, the appellant, any public agency or private individual shall be entitled to present evidence on matters before the Board. The Board may request technical service, advice, data or factual evidence from the Director or other departments of the County for assistance in reaching decisions. The Board shall establish its own rules pertaining to the conduct of hearings, including such rules of evidence as it may deem proper. The Board may grant continuances or postponements of hearings at its own discretion upon cause being shown or upon its own motion. The Board, by rules, or as to any specific appeal, may establish a time limit for the presentation of the appeal and may allocate time to the appellant, the Director, and/or other interested parties. Any appellant may represent himself or be represented by counsel or any other agent or person. The Board may continue a hearing which has been commenced for the purpose of presentation of additional evidence or making further study or investigation of its own. The Board shall cause to be made a tape recording

for a period of one year. An appellant or any interested party may request that a transcript from the recording may be made and the Board may establish a reasonable charge for the preparation of such transcript. Evidence shall consist of testimony, documents, and such other oral or tangible items as may be presented at the hearing.

11. Decisions. The decision of the Board on any appeal shall be by majority of those members who have attended the hearing. If no majority vote is obtained, the decision of the Director shall be deemed affirmed. The decision shall be in writing, shall contain findings of fact and conclusions, and shall specify the identify of each member voting and the vote case by that member. The decision shall be dated and a copy shall be transmitted to the appellant by certified mail, a copy delivered to the Director, and a copy retained by the Secretary in the permanent records of the Board. The decision of the Board shall be final except that a majority of the members of the Board who were within the majority of the Board who voted in favor of the decision may move to reconsider the decision at any meeting of the Board held not later than 30 days after the date of the decision. When any matter is presented to the Board for reconsideration, the Chairman may determine whether to permit non-Board members to make any statement or other presentation. Upon the adoption of a vote to reconsider, the members of the Board in attendance at the meeting at which the reconsideration is adopted may move to reverse the decision, modify it, affirm it, or schedule a subsequent hearing to permit the appellant, the Director and other interested persons to present additional evidence.
12. Future Appeals. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of 12 months following the date of its final decision on such matter unless the Director has initiated another proceeding against the property and the condition of the property has been altered by repair or other work to cause its being secured or improved in a substantive manner.
13. Record Retention. The Secretary of the Board shall not be required to retain any records of the Board beyond a period of four years.

§21-715 Eminent Domain. Nothing in this Article shall be construed to prevent the owner of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of the State of Georgia, or to permit any property to be condemned or destroyed except in accordance with the police power of this State. Procedures under this Article shall not constitute the exercise of the power of eminent domain by the County.

§21-716 Right to Enter and Inspect. The Director, any person authorized to enforce this Article, and any uniformed officer of the Police Department shall be empowered to enter any property and structure at reasonable times to inspect the condition or work being performed thereon or therein. If such entry is refused, such official may obtain an order ex parte from a judge of the Recorder's Court of Chatham County pursuant to an affidavit setting forth the (i) names(s) and address(es) of the property owner(s) and any party in interest, and the person refusing entry, (ii) the date and time entry was attempted, (iii) the reason why entry was not effected, (iv) the means by which and by whom entry is proposed, (v) the reason why entry is necessary, and (vi) the predicate creating probable cause that entry and inspection is necessary. The order shall specify a date and time for a hearing before the Court to determine whether entry shall be permitted, unless the affidavit sets forth sufficient cause to justify immediate entry and inspection, whereupon such authority may then be granted. The order with a copy of the affidavit shall be served pursuant to the provisions applicable to service of subpoenas issued from the Court or the provisions of Section 21711 of this Article.

§21-717 Construction. This Article shall be cumulative of other ordinances and Code provisions applicable to property and improvements in Chatham County and shall not repeal other ordinances and provisions pertaining to similar subjects and procedures.

§21-718 Code of Georgia. Any reference to the Official Code of Georgia Ann. or O.C.G.A. shall include any amendment to a cited section as subsequently adopted.

§21-719 Severability. If any section, subsection, sentence or phrase of this Ordinance (Article) is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance (Article).

§21-720 Headnotes. Titles and headnotes to sections and subsections are for convenience in reference and shall not control the interpretation of any provision of this Ordinance (Article).

§21-721 Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed, provided, that it is expressly acknowledged that it is not the intent of this ordinance to repeal, limit or amend other ordinances and codes previously adopted and in force and effect including, but not limited to, those pertaining to a building code, a housing

code, a property maintenance ordinance, weed cutting, fire code, health and sanitation codes.

§21-722 Effective Date. This Ordinance shall take effect and be in force on and after July 12, 1990.

ARTICLE VIII

Report of Spill or Release of Hazardous Substance or Oil

§21-801 Title, Purpose, and Scope.

1. Title. This Ordinance shall be entitled the Report of Spill or Release of Hazardous Substance or Oil.
2. Purpose. This Ordinance is adopted into the Code of Chatham County pursuant to the powers granted Chatham County as a political subdivision of the State of Georgia, and as part of its strategy for emergency management plan pursuant to O.C.G.A. §§ 38-3-27, 38-3-28 and 38-3-52 to require prompt reporting of a reportable quantity of a spill or release of any hazardous substance or oil which is known to have or suspected to have left the boundaries of the facility where stored and used. The requirement pursuant to this Ordinance is to assist Chatham County in ensuring the health, safety and welfare of its citizens and derive the necessary knowledge and information needed of potentially hazardous substances in Chatham County and to develop an emergency management plan and response. (Amended July 22, 2011)
3. Scope. In the interest of the general health of the public, any "person" as that term is defined in O.C.G.A. §12-14-1(6) owning or having control over any hazardous substance or oil upon learning of an "incident" as defined herein, involving such hazardous substance or oil shall immediately report by telephone to the Chatham County Police Department, the City of Savannah Fire Department, and L.E.P.C. via C.E.M.A. as set forth herein.

§21-802 Definitions. The following words of terms as used herein, shall have the same meaning and definition as set forth in the referred to sections of the Official Code Of Georgia Annotated (O.C.G.A.) and in federal law:

1. "Hazardous substance" - O.C.G.A. §12-14-1 (4)
2. "Oil" - O.C.G.A. §12-14-1 (5)
3. "Person" - O.C.G.A. §12-14-1 (6) and 12-14-3 (a)
4. "Reportable Quantity" - O.C.G.A. §12-14-1 (7)
5. "Spills or Release" - O.C.G.A. §12-14-1- (8)
6. "Facility" - 40 C.F.R. 302.3

§21-803 Incident, Defined. An "incident" is defined herein as a known or suspected spill or release of a reportable quantity of a "hazardous substance" and the known or suspected spill or release of oil which has left the boundaries of the facility where stored or used.

§21-804 Notification Requirements. Upon the occurrence of an incident as defined herein, where such incident is known or suspected, notification shall be by immediate telephone calls to the Chatham County Police Department, the City of Savannah Fire Department, and to L.E.P.C. through C.E.M.A. "Immediate" as defined herein shall be within fifteen minutes of a person learning of such an incident. No later than the close of business on the second regular business day, other than a Saturday or Sunday, such telephone calls shall be followed-up by a written communication or by facsimile transmission being filed with the L.E.P.C. through C.E.M.A. setting forth all known details that are available from the facility where such incident has occurred.

Said written communication or facsimile transmission when filed shall contain the names of all persons who required medical attention of emergency medical services or a medical doctor allegedly as a result of such spill or release, and to the extent known, the injury or injuries complained of or suffered by such person(s).

Any obligation on the part of an owner or operator of any facility to report a spill or release or discharge of a reportable quantity of a hazardous substance or oil shall not include continuous releases as defined in 40 C.F.R. §355.40, nor to any release covered by a state or federal permit, nor to any spills or releases that do not meet the definition of being of a reportable quantity.

§21-805 Spills. Any airborne spill or release or any spill or release into any stream or ditch in which water is capable of moving from the facility upon which spill or releases occurs to another property, when such spill or release or discharge meets the definition of a reportable quantity shall be considered to have left the boundaries of the facility of the owner or operator, and shall require reporting hereunder.

§21-806 Penalties. Violation of this Ordinance shall be subject to being fined upon conviction thereof by the Recorder's Court of Chatham County in an amount not to exceed \$1,000 for each violation. Each failure to report a release or discharge of reportable quantity, shall be considered a separate violation.

§21-807 Federal and State Law. Nothing contained herein shall be construed in any way to abrogate, modify or change any

provision or requirement outlined in The Federal Emergency Planning and Community Rights to Know Act, 42 U.S.C. §11001 et. seq., 40 C.F.R. §355.20, 40 C.F.R. §302, 40 C.F.R. §355.40, the Clean Water Act, 33 U.S.C. 1251 et seq., 40 C.F.R. 110.1, the provisions of O.C.G.A. §12-14-1 et seq. or any other general law in force or hereinafter enacted in the State of Georgia.

§21-808 Effective Date. This Ordinance shall take effect and be in force on and after June 24, 1995.

ARTICLE IX

**An Ordinance to Restrict Smoking in Places of Public
Accommodation; to Repeal All Other Ordinances in Conflict
Herewith and for Other Purposes.**

The Chatham County Board of Commissioners, does hereby repeal, Article IX, Sections 21-901 through 21-917 and substitutes in lieu thereof the following and enacts the following ordinance containing Article IX, Sections 21-901 through 21-919, which reads more particularly as follows:

§21-901 Title. This Article shall be known as the Chatham County Smoke-free Air Ordinance of 2012.

§21-902 Definitions. For the purpose of this Ordinance, the following words and phrases shall be construed as defined in this Section: (Amended April 27, 2012)

1. Bar means an establishment that is devoted to the serving of alcoholic beverages For consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
2. Business means a sale proprietorship, partnership, joint venture, corporation, or other business entity, either For-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. E-cigarette means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, that provide a vapor of nicotine and/or other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, or e-pipe, or under any other product name or descriptor.
4. Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
5. Employer means a person, business, partnership, association, corporation, including a municipal corporation, trust, or

non-profit entity that employs the services of one or more individual persons.

6. Enclosed Area means all space between a floor and ceiling that is bounded on all sides by walls, doorways or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent
7. Outdoor service area means an unenclosed area of a restaurant or bar where food or beverage is served.
8. Health Care Facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
9. Place of Employment means an area under the control of a public or private employer including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or health care facility.
10. Playground means the area of any park or recreational area designed to be used by children that has play or sports equipment installed, or any similar Facility located on private school grounds or on County grounds.
11. Private Club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

12. Public Place means an enclosed area to which the County has jurisdiction and the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, Laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.
13. Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
14. Service Line means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
15. Shopping Mall means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
16. Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
17. Sports Arena means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events within the County's jurisdiction,
18. Reasonable Distance means a minimum of 10 feet or a distance that is sufficient to ensure indoor areas remain smoke-free by preventing smoke from infiltrating enclosed public places via any entrance, exit, window, vent or air intake system of a building where smoking is prohibited, and to protect persons

entering or exiting enclosed areas from involuntarily inhaling second-hand smoke.

19. Outdoor Common Area means outdoor areas of apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.

§21-903 Application of Article to County-Owned Facilities. All enclosed facilities, including buildings and vehicles owned, leased, or operated by Chatham County shall be subject to the provisions of this Article.

§21-904 Prohibition of Smoking in Enclosed Public Places. Smoking shall be prohibited in all enclosed public places within Chatham County, including, but not limited to, the following places:

1. Aquariums, galleries, libraries and museums.
2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
3. Bars.
4. Bingo facilities.
5. Child care and adult day care facilities.
6. Convention facilities.
7. Educational facilities, both public and private.
8. Elevators.
9. Gaming facilities.
10. Health care facilities.
11. Hotels and motels.
12. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
13. Polling places.
14. Public transportation vehicles, including buses and taxicabs, under the authority of the County, and ticket, boarding, and

waiting areas of public transportation facilities, including bus, train, trolley and airport facilities.

15. Restaurants.
16. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
17. Retail stores.
18. Rooms, chambers, places of meeting or public assembly under the control of an agency, board, commission, committee or council of the County or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the County.
19. Service lines.
20. Shopping malls.
21. Sports arenas, including enclosed places in outdoor arenas,
22. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

§21-905 Prohibition of Smoking in Places of Employment

1. Smoking shall be prohibited in all enclosed areas within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
2. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

§21-906 Prohibition of Smoking in Private Clubs. Smoking shall be prohibited in all private clubs.

§21-907 Prohibition of Smoking in Enclosed Residential Facilities. Smoking shall be prohibited in the following enclosed residential facilities:

1. All private and semi-private rooms in nursing homes.
2. At least 80% of hotel and motel rooms that are rented to guests.

§21-908 Prohibition of Smoking in Outdoor Areas. Smoking shall be prohibited in the following outdoor places:

1. Within 10 feet or a Reasonable Distance outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas when the area is open for business or occupied by one (1) or more persons.
 - a. If the location of an entrance, exit, window, vent, or air in take system of a building where smoking is prohibited or if the location of a barrier, such as a wall, property line, parking lot, or street makes the reasonable distance requirement impossible to meet, then the building owner, agent, operator, person in charge or proprietor of a public place shall determine the maximum distance between the outdoor smoking area and the entrance, exit, window, or air intake system of a building where smoking is prohibited.
2. In, and within 10 feet or a Reasonable Distance of, outdoor seating or serving areas of restaurants.
3. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within 20 feet, 10 feet or a Reasonable Distance of, bleachers and grandstands for use by spectators at sporting and other public events.
4. In, and within 10 feet or a Reasonable Distance of, all outdoor public transportation stations, platforms, and shelters under the authority of the County.
5. In all outdoor service lines.
6. In, and within 10 feet or a Reasonable Distance of, outdoor playgrounds.

§21-909 Where Smoking Not Regulated. Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 905 and 906.

1. Private residences, except when used as a childcare, adult day care, or health care facility, and except as provided in Section 907.
2. Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms.
3. Outdoor areas of places of employment except those covered by the provisions of Section 907.

4. Areas within Chatham County in which the Board of Commissioners do not have jurisdiction including but not limited to property belonging to the Chatham County School Board, Chatham County Commission, other jurisdictions, the State of Georgia and the federal government.

§21-910 (Section 21-910 amended April 27, 2012, by deleting in its entirety.)

§21-911 Declaration of Establishment as Nonsmoking.
Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 911 (A) is posted.

§21-912 Posting of Signs

1. A minimum of one "No Smoking" sign or the international "No Smoking" symbol (consisting of a pictorial representation of a burning Cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
2. Every public place and place of employment where smoking is prohibited by this Article shall have posted at the primary entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Article shall have at least a minimum of one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
3. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

§21-913 Non-retaliation; Non-waiver of Rights

1. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 915, violation of this Subsection shall be an offense punishable by a fine not to exceed \$500 for each violation.

2. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

§21-914 Enforcement

1. This Article shall be enforced by the Savannah-Chatham Metropolitan Police Department.
2. Notice of the provisions of this Article shall be given to all applicants for a business license in Chatham County.
3. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
4. An owner, manager, operator, or employee of an establishment regulated by this Article shall direct a person who is smoking in violation of this Article to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency. Any business that complies with the notification requirements of this Article shall not be cited for violation.
5. Notwithstanding any other provision of this Article, any citizen who desires to register a complaint under this Article may contact the Savannah-Chatham Metropolitan Police Department. (Amended April 27, 2012)
6. In addition to the remedies provided by the provisions of this Section, any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction

§21-915 Violations and Penalties

1. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of a County ordinance violation, punishable by a fine and court fees not to exceed one hundred dollars (\$100).
2. Except as otherwise provided in Section 905, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of a County ordinance violation punishable by:

- a. A fine not exceeding one hundred dollars (\$100) for a first violation.
 - b. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - c. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
3. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
 4. Violation of this Article is hereby declared to be a public nuisance.
 5. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

§21-916 Other Applicable Laws. This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

§21-917 Liberal Construction. This Article shall be liberally construed so as to further its purposes.

§21-918 Severability. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

§21-919 Effective Date. This Ordinance will be effective upon passage by the Board of Commissioners of Chatham County. Effective this 24th day of February 2012.

ARTICLE X

Payment of Registration Fee by Facilities with Hazardous Substances

(Editor's note: The "Payment of Registration Fee by Facilities with Hazardous Substances" ordinance was adopted on February 23, 1996, and amended on November 20, 1998. When it was added to the code book it was erroneously added as a continuation of Article VIII and numbered §21-809 through §21-816. On August 28, 2008, the ordinance was separated from Article VIII and Article X was created. The change is purely editorial.)

§21-1001 Intent of Ordinance. Payment of Registration Fee by Facilities with Hazardous Substances.

1. The intent of this Ordinance is to require the payment of a registration fee by facilities using over 10,000 pounds of hazardous substances for the reasonable cost of the HazMat Team for promoting the health, safety and welfare of the public, pursuant to O.C.G.A. §48-13-9.
2. An additional intent is to require registration, but no fee by facilities using hazardous substances under 10,000 pounds.

§21-1002 Definitions. The following words or terms as used herein shall have the same meaning and definition as set forth now, or as hereafter amended, in the referred to sections of the Official Code of Georgia Annotated (O.C.G.A.) and in federal law:

1. "Hazardous Substance" - O.C.G.A. §12-14-1 (4) and/or Title III, §302-312 of the Superfund Amendments and Reauthorization Act, (SARA III) known as the Emergency Planning and Community Right-To-Know Act.
2. "Facility" - 40 C.F.R. 302.3.
3. "Person" - O.C.G.A. §12-14-1(6) or 40 C.F.R. 302.3.
4. "HazMat Team" - Specifically qualified and designated members of the Savannah Fire Department, as well as the Chatham Emergency Management Agency Hazardous Materials Analyst.
5. "Critical Facility" - any structure or facility, public or private, which is vital to the County and imperative to protect prior to, during, or after an emergency. (Amended November 20, 1998)

§21-1003 Hazardous Substances Registration. Every person and every facility required to report annually to the Georgia Emergency Response Commission and the Chatham County Local Emergency Planning Committee in compliance with §312 Superfund Amendments and Reauthorization Act (SARA III) shall register with Chatham County through the Inspections Department no later than May 1st of each year. Such registration shall be done by the Chatham Emergency Management Agency Hazardous Materials Analyst, shall be valid for 12 months from the date of registration and shall be maintained permanently at the site of the facility.

§21-1004 Registration Fees. Registration fees shall be assessed on the basis of the combined average daily amounts of all hazardous substances as reported for the previous calendar years to the Georgia Emergency Response Commission and the Chatham County Local Emergency Planning Committee. Fee rates shall be based on the following scale:

<u>AVERAGE DAILY AMOUNT OF ALL HAZARDOUS SUBSTANCES</u>	<u>FEE NOT TO EXCEED</u>
1 - 9,999 lbs.	No Fee
10,000 - 99,999 lbs.	\$1,100
100,000 - 999,999 lbs.	\$2,200
1,000,000 or greater pounds	\$3,700

By April 1st of each year following the adoption of this Ordinance, fees may be adjusted to reflect actual costs of regulation. The failure of any person to register or to pay the hazardous substance fee by not later than May 1st of each year shall result in the requirement of payment of the original fee due plus a 25% delinquency fee increase of the amount which would have been due if timely paid, said delinquency fee amount not to exceed \$1,000. Failure to pay timely the registration fee or delinquency fee shall be enforceable in the Recorder's Court of Chatham County. (Amended July 22, 2011)

§21-1005 Inspections. The HazMat Team shall perform inspections in accordance with the rules and regulations under §312 Superfund Amendments and Reauthorization Act (SARA III), or upon the request of a registered facility.

§21-1006 Exemptions. The following are exempted from provisions and requirements of this Ordinance:

1. Persons and facilities whose only hazardous substances subject to the reporting requirements cited above in compliance with §312 Superfund Amendments and Reauthorization Act (SARA III) are petroleum products (e.g. gasoline, diesel or oil) held only for retail sale to the general public.

2. Units, divisions, agencies, authorities, commissions of local, state or federal governments.
3. A critical facility which stores petroleum products (e.g. gasoline, diesel or oil) for use during an emergency. Only the petroleum products used for emergency operations will be considered for exemption. (Amended November 20, 1998)
4. A business which is regulated by the Georgia Public Safety Commission. (Amended November 20, 1998)

§21-1007 Federal and State Law. Nothing contained herein shall be construed in any way to abrogate, modify or change any provision or requirement outlined in The Federal Emergency Planning and Community Right to Know Act, 42 U.S.C. §11001 et. seq., 40 C.F.R. §355.20, 40 C.F.R. §302, 40 C.F.R. §355.40, the Clean Water Act, 33 U.S.C. 1251 et seq., 40 C.F.R. 110.1, the provisions of O.C.G.A. §12-14-1 et seq. or any other general law in force or hereinafter enacted in the State of Georgia.

§21-1008 Effective Date. This Ordinance shall take effect and be in force on and after March 22, 1996.

ARTICLE XI

**Emergency Access Requirements for Gated Communities
Unincorporated Chatham County**

Article XI was adopted in its entirety on August 10, 2007.

§21-1101 Purpose. Response to an emergency by the emergency response departments can be hampered without immediate access to a property or into a building. Following are the findings:

1. There are a number of residential subdivisions with gated/controlled access in unincorporated Chatham County.
2. Emergency vehicles and personnel have difficulty promptly entering the areas closed with such gates or barriers when confronted with threats to public health, safety, and welfare; and
3. There are currently no unified standards for installation of equipment to access gated communities by emergency vehicles during an emergency.

§21-1102 Intent. The intent of this article is to:

1. Promote health, safety, and general welfare of the public by establishing standards for installation of equipment to facilitate access to emergency vehicles and persons during emergency situations.
2. Provide standards for accessing gated communities during emergencies by persons and emergency vehicles of the fire department, police department and ambulances.
3. Provide provisions for emergency vehicles to access gated communities in the event of inclement weather, national security situations, and special emergencies.
4. Reduce delay caused by certain vehicle access control devices or systems or no vehicle access control devices or systems.

§21-1103 Definitions (approved by the Fire Chief/General Manager, Southside Fire and EMS Department).

1. Emergency means any event requiring the immediate response or action of fire/rescue, emergency medical, or law enforcement agencies for situations arising from, but not limited to, fire, explosion, acts of God, or act of public enemy which, if not corrected immediately, will potentially result in loss of life, property, or substantial environmental resources.

2. Key Box means a secure, tamperproof device with a lock operable only by a fire department master key, and containing building entry keys and other such devices that may be required for access in an emergency.
3. LED means Light Emitting Diode.
4. Pedestrian Gate means an access point used exclusively for pedestrian entry and egress.
5. Radio Controlled System means an emergency access control system that opens gates and other such barriers when the emergency responder clicks (pulses) their radio transceivers on a restricted FCC radio frequency typically allocated to public safety agencies.
6. Shall indicates a mandatory requirement.
7. Standard means the rules and regulations contained in the International Fire Code, 2003 as amended, adopted by the Southside Fire and EMS Department and designed to provide specific guidelines to Southside Fire and EMS Department.
8. Vehicular Gate or Barrier means a device intended to control vehicular access.
9. Gated community means a multi-dwellings community or other accessory uses that are enclosed within a geographical area by restrictive gates.

§21-1104 Standards.

1. Operation of Gates or Restricted Access: Where access to an area is restricted because of secured openings and where immediate access is necessary for emergency (life saving, fire fighting purposes or law enforcement purposes) the following is required.
 - a. All vehicle access gates or barriers shall be electrically operated for entry and exit by an approved method by the unincorporated Chatham County; and furthermore they will be equipped with the required following access control systems:
 - i. Key Box System shall be installed. The Key Box System shall be based upon the approved and adopted Fire Code(s) by the fire department(s); and
 - ii. Radio operated controller: All blocking barriers shall be equipped with a range-able radio receiver capable of receiving access commands from public

safety radio transceivers. Such emergency access control device will be able to operate with the radio systems typically used by public safety agencies operating within Chatham County and the State of Georgia.

Exceptions: Radio controlled exit/activation LED device may be waived by installation of a "free exit" loop.

- b. Gates requiring radio-controlled exit/LED activation shall be provided with an approved two (2) inch by two (2) inch blue, reflective marker visible to the existing vehicle. It shall be located in the center of the exit gate.
- c. Wiring of electrical gates shall be provided by AC (Alternate Current) current with underground installation.
- d. Electrically operated gates shall fail to the open position when the power is off. They shall remain open until power is restored.
- e. Key Box System authorization forms are required for order of key switches, boxes, and pad locks. The forms may be obtained from the Southside Fire and EMS Department.

§21-1105 Submittal. The following information shall be submitted to the Southside Fire and EMS Department:

- 1. Method of operation of equipment;
- 2. If applicable, UL (Underwriters Laboratory) listing numbers of equipment used;
- 3. Manufacturers specification sheets for electrical gate controller; and
- 4. A site plan of the property and a site plan detail of each gate location drawn to scale (1"-10', 1"-20', or 1"-40') indicating or showing:
 - a. Contractor's company name, address, phone number, and contact person;
 - b. Exact locations of the entry to the property;
 - c. Assessor's parcel number;
 - d. Property lines;

- e. Proposed fence, pedestrian gates, and vehicle gates; and
- f. Proposed location of key box and radio operated controller
- g. Site plan requirements are for new construction only.

§21-1106 Approval.

- 1. The plans, installation and operation of equipment shall be approved by Chief/General Manager, Southside Fire and EMS Department.
- 2. Southside Fire and EMS Department shall test and approve operation and compatibility of equipment.
- 3. The Chief/General Manager, Southside Fire and EMS Department, shall not approve such plans unless the plans allow emergency vehicle and emergency personnel to open electronically or electrically secured openings or gates by city and county approved radio transceivers used by such emergency vehicles or personnel.

§21-1107 Maintenance. Emergency access gates and barriers shall be maintained and may include:

- 1. Batteries/power back up required for operation of the system during power failure;
- 2. Lubrication of moving parts and hinges per manufacturer specifications; and
- 3. Any subsequent attention required to maintain the approved list of allocated radio frequencies for emergency used operation of the gate and the controller.

§21-1108 Applicability.

- 1. Within eighteen (18) months from the date of radio signal switch to a new adopted system by the City of Savannah, all new gated communities and existing gated communities with electronically or electrically secured openings or gates or barriers that impede access to an area shall either be:
 - a. removed, or
 - b. constructed and maintained in accordance with plans and operation approved by the Southside Fire and EMS Department.

2. All costs associated with the removal of any unapproved system(s), purchase and/or installation and maintenance of systems shall be the responsibility of the property owner(s), home owners association or any such individual or group responsible for maintenance of the property.