

TITLE 4

PUBLIC HEALTH

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Chapter 1

ANIMALS AND FOWL

ARTICLE I IN GENERAL

Sec. 4-1-1. Short title.

This chapter may be cited as the Animal Control Ordinance of Augusta-Richmond County.

Sec. 4-1-2. Creation of animal control department; duties of animal control officers—Generally.

The Augusta-Richmond County Animal Control Department is hereby established, and the Commission shall employ the necessary animal control officers to administer and enforce the provisions of this Chapter. The animal control officers shall have the authority to issue citations for violations of this Chapter and perform such other duties as are prescribed herein. An animal control officer shall wear a numbered badge identifying him as an animal control officer.

Sec. 4-1-3. Organization.

The person in charge of the Augusta-Richmond County Animal Control Department shall be known as the director. The director shall enforce the provisions of this Chapter, and he or his duly authorized representative shall perform any duty imposed upon him by this Chapter.

- (a) *Director.* The director may appoint such numbers of officers and other employees as shall be authorized to carry out the duties of the department.
- (b) *Assistant director.* The director may designate an assistant director in the department, who shall, during the absence or disability of the director, exercise all the powers of the director.

- a. Dr. Gary Wilkes
- b. VACANT
- c. Mary Walker
- d. Elfriede B. Baggs
- e. Lynn Brown

- (c) *Records.* The director shall keep, or cause to be kept, a record of the business of the department.
- (d) *Reports.* The director shall annually submit a report to the Augusta-Richmond County administrator covering the work of the department during the preceding year.

Sec. 4-1-4. Implementation of state dangerous dog control law.

(a) *Designation of dog control officer.* Pursuant to the provisions of the Dangerous Dog Control Law of the State of Georgia (Ga. L. 1988, p. 824), the director of animal control of Augusta-Richmond County is hereby designated dog control officer and shall administer and enforce the provisions of the Dangerous Dog Control Law.

(b) *Animal control board.* There is hereby created an animal control board of ten (10) members (plus an additional two members should the Richmond County Legislative Delegation choose to appoint two members) to be appointed for terms of four (4) years, to conduct hearings as required by O.C.G.A. § 4-8-24; provided, however, the initial appointments shall be made as follows:

- (1) Except as provided herein, members of the animal control board and dangerous dog board of Richmond County and the City of Augusta who were serving on said boards on January 1, 1997, having had no fixed terms, shall serve until their successors are appointed and qualified.
- (2) Members of the Animal Control Advisory Board and the Dangerous Dog Control Board serving as of January 1, 1997, shall continue to serve until their successors are appointed by the Commissioner representing the respective District and qualified and are to represent the districts as herein set forth, to wit:

- District 1
- District 2
- District 3
- District 4
- District 5

f.	Dr. Lamar T. Walker	District 6
g.	Carolyn Ann Marks	District 7
h.	Linda Workman Bragg	District 8
i.	Eleanor B. Shepherd	District 9
j.	VACANT	District 10

- (3) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.
- (4) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.
- (5) Members of the board appointed by the Commissioner of the respective Districts to succeed those appointed in subsections 3 and 4 hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.
- (6) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointed authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.
- (7) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(c) Fee for ownership of dangerous dog. The owner of a dangerous dog or potentially dangerous dog shall pay an annual fee to Augusta-Richmond County in the amount of one hundred dollars (\$100.00).

Sec. 4-1-5. Riding horses, etc., in disorderly manner.

It shall be unlawful for any person to run or ride any horse, mule or other animal in a disorderly manner through the streets of Augusta-Richmond County.

Sec. 4-1-6. Duties and responsibilities of board members.

Members of the Animal Control Board shall have as their duties and responsibilities, in addition to administering the Dangerous Dog Control Law, as provided in Section 4-1-4 hereof, the following:

- (a) To work actively in educating the public as to the need for sterilization of dogs and cats;
- (b) To review and make recommendations to the Augusta-Richmond County Commission through the Administrator concerning the job performance of the Director of the Animal Control Department;
- (c) To review and make recommendations to the Augusta-Richmond County Commission through the Administrator concerning the budgets and fiscal needs of the animal control department;
- (d) To attend meetings of the Animal Control Board;
- (e) To review and make recommendations to the Augusta-Richmond County Commission concerning the policies governing the operation of the Animal Control Department, including rules and regulations for the operation of animal shelter facilities consistent with rules and regulations of the Georgia Department of Agriculture;
- (f) To review and make recommendations to control the animal population; and
- (g) To notify the appropriate authorities of a vacancy on the Animal Control Board so that a person may be appointed to complete unexpired or full terms.

(Ord. No. 6254, § 1, 4-4-00)

Secs. 4-1-7—4-1-15. Reserved.

ARTICLE 2. ANIMALS

Sec. 4-1-16. Definitions.

(a) *Domestic animals*. Dogs and cats and others that live and breed in a tame condition.

(b) *Livestock*. All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

(c) *Own*. To have legal ownership of, or to possess, keep, have custody or control over, or harbor.

(d) *Owner*. Any person, association, firm or corporation, natural or artificial, owning, possessing, keeping, having custody of or control or authority over, or harboring any domestic animal or livestock.

(e) *Public roads*. Any street, road, highway, or way, including the full width of the right-of-way, which is open to the use of the public for vehicular travel.

(f) *Running at large or straying*. Any animal which is not under manual control of a person and which is on any public road or street of Augusta-Richmond County, or on any property not belonging to the owner of the animal, unless by permission of the owner of such property.

(g) *Urban Services District*. That area coterminous with the boundaries of former City of Augusta, Georgia as said boundaries existed as of December 31, 1995.

Sec. 4-1-17. Vaccination; when required.

(a) No owner shall own any dog or cat over four (4) months of age within Augusta-Richmond County unless such dog or cat is vaccinated. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government-operated or licensed animal shelter. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.

(b) No person shall vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine.

Sec. 4-1-18. Evidence of vaccination.

(a) *Certificate of vaccination*. Evidence of vaccination shall consist of a certificate of vaccination. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering the vaccine. One (1) copy of the certificate shall be given to the owner, one (1) copy filed with the Richmond County health department, and one (1) copy retained by the veterinarian. Any veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags. The certificates of vaccination furnished to the Richmond County health department shall be maintained in an orderly indexed file for a period of not less than three (3) years.

(b) *Vaccination tags*. Coincident with the issuance of the certificate of vaccination, the person authorized to furnish the certificate shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number as the certificate and the year thereon to be attached to the collar or harness worn by the dog or cat for which the certificate has been issued.

(c) *Where three-year vaccine used*. When the animals have been vaccinated with a three-year rabies vaccine, the director may issue or cause to be issued an annual certificate of vaccination and a rabies vaccination tag each year for the two (2) additional years of the three-year vaccination period provided the Richmond County health department's file copy of the certificate of vaccination shows that the animals have been given a three-year rabies vaccine; in the event the Richmond County health department's file copy of the certificate of vaccination is unavailable, the owner's copy or the veterinarian's copy of same may be substituted therefor.

Sec. 4-1-19. Identification and vaccination tag to be worn.

(a) *Collar required*. It shall be unlawful for the owner of any dog in Augusta-Richmond County to allow such dog to be without a collar which shall

have attached a valid vaccination tag, as required by this Chapter and an identification showing the name and address of the owner of the dog.

(b) *Duty of owner to provide collar.* It shall be the duty of each dog owner to provide a collar with identification as provided herein and inoculation tag for each dog, except when such dog is under immediate control of the owner or is participating in a dog show or exhibition.

Sec. 4-1-20. Unauthorized attachment and removal of tags, collars.

It shall be unlawful for any person to attach a vaccination tag to any dog for which it was not issued, or to remove a vaccination tag or collar from a dog without the consent of its owner or custodian.

Sec. 4-1-21. Duty of owner to keep dog and cat under control; stray animals prohibited.

It shall be unlawful for any animal to be out of control and/or unattended off the premises of its owner, and/or upon the premises of another person without the permission of such other person. This section shall not apply to those dogs which are actively engaged in hunting or field trials, or to those dogs and cats which are participating in animal shows or exhibitions.

Sec. 4-1-22. Dogs on public streets to be on leash, etc.

It shall be unlawful for any dog to be upon the public streets, except on a leash and accompanied by an individual, or except when enclosed within a vehicle, cage, carton, crate, box or other suitable container to prevent escape.

Sec. 4-1-23. Impounding dogs and cats at large.

Any and all dogs and cats found running at large upon public places or the premises of another in violation of this article shall be immediately impounded by the animal control department of Augusta-Richmond County.

Sec. 4-1-24. Impounding dogs and cats where owner unknown.

In the event the owner of a dog or cat is not known and such animal is upon the streets, alleys, sidewalks, school grounds, public places, or premises of another, any law enforcement officer or agent or employee duly authorized by Augusta-Richmond County shall be authorized to take possession of such dog or cat and impound it in Augusta-Richmond County animal control department shelter for detention, control and disposition as provided in this article.

Sec. 4-1-25. Disposition of impounded animals.

(a) *Impounded animals.* If any animal be seized or impounded at the Augusta-Richmond County Animal Control Department Shelter, the officers, agents and employees of the shelter shall notify by telephone the owner of such animal, if known or if the owner can be reasonably ascertained, that the animal has been impounded. The owner of any animal impounded may, within five (5) days after impoundment of such animal, reclaim the animal upon payment for the period of time the animal is impounded, including payment for any treatment rendered to said animal.

(b) *Adoption of animals impounded.* In the event an animal is not claimed within the time provided herein, the Augusta-Richmond County Animal Control Department may offer for adoption, by any person, any animal unredeemed or unclaimed by the owner, upon payment of an adoption fee. The person adopting an animal shall carry the animal to a licensed veterinarian for treatment and rabies vaccination within five (5) days of adoption.

(c) *Unclaimed animals.* If an animal is not reclaimed by the owner within the time prescribed herein or adopted out, then the Augusta-Richmond County Animal Control Department shall be authorized to dispose of said animal in as humane and painless a manner as possible. Such animal, if not claimed or adopted as provided, may be donated to any public or private institution for disposition.

(d) *Injured animals.* In the event that an animal is impounded which is injured beyond hope of any recovery, it shall be within the discretion of the director to destroy said animal.

Sec. 4-1-26. Abandonment.

(a) No person shall release an animal on any property, public or private, with the intention of abandoning the animal.

(b) No person shall intentionally abandon a dead animal on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the animal is being left.

(c) No person shall abandon a dead animal on any public property or public right-of-way unless the place on which the animal is being left is an approved sanitary landfill or other facility designed for receiving such and has been designated by the Augusta-Richmond County Commission as a public facility for receiving trash or refuse.

Sec. 4-1-27. Cruelty.

(a) *Prohibited.* No person shall, by his act, omission or neglect, cause unjustifiable physical pain, suffering or death to any living animal. This section does not apply to killing of animals raised for the purpose of providing food, nor does it apply to any person who hunts wild animals in compliance with the game and fish laws of this state. Killing or injuring an animal for humane purposes or in the furtherance of medical or scientific research is justifiable.

(b) *Permitted acts.* No person shall perform a cruel act on any animal, nor shall any person harm, maim or kill any animal, or attempt to do so; except that a person may:

- (1) Defend his person or property or the person or property of another from injury or damage being caused by an animal; or
- (2) Kill any animal causing injury or damage to livestock or poultry.

(c) *Physical abuse.* It is unlawful for any person to willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any sub-

stance; drive over or otherwise cruelly set upon any animal; except that reasonable force may be employed to drive off vicious or trespassing animals.

(d) *Failure to care for and maintain.* It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal and which meets all requirements established by the Health Department regarding same.

(e) *Keeping diseased or crippled animal.* It is unlawful for any person to have, keep or harbor any animal which is infected with any dangerous disease or any incurable, painfully crippling condition. The Animal Control Department may impound such diseased or painfully crippled animal, and all such animals impounded may be destroyed as humanely as possible as soon thereafter as conveniently possible. In the case of destruction of such animal, the animal control department shall not be required to give any notice. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

(f) *Authority of animal control department in case of animal neglect.* Whenever the animal control department finds that any animal is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal, the animal control department may pick up such animal for protective care; and in the event of sickness or injury, the animal control department may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. In the event such animal is later released, in the discretion of the animal control department, to its owner, said owner shall be required to reimburse the animal control department for any expenses incurred in taking any action to care for said animal.

Sec. 4-1-28. Permitting female dog in heat to roam free.

All female dogs in heat shall be restrained such that they cannot roam or run free beyond the limits of the property of their owners. It shall be unlawful for the owner or person responsible for the care of such animal not to so restrict or confine said female dog.

Sec. 4-1-29. Disposal of dead animals and fowl.

(a) It shall be unlawful to throw or place any dead fowl or animal on the streets or alleys of Augusta-Richmond County. Such fowl or animal, where size will permit, shall be placed in a covered receptacle and the sanitary department notified immediately.

(b) It shall be unlawful for the owner of any dead animal carcass to allow the same to remain in Augusta-Richmond County without disposing of same as provided for herein. Such owner shall immediately dispose of the same. If any such owner violates this section, the Commission, through its agents and employees, shall proceed to remove and dispose of such dead animal carcass, and the owner shall be liable to the Commission and shall pay to Augusta-Richmond County the sum of twenty dollars for such removal and disposal.

Sec. 4-1-30. Urban services district declared bird sanctuary.

The territory within the Urban Services District is hereby declared to be a bird sanctuary.

Sec. 4-1-31. Killing, etc., wild or migratory birds.

It shall be unlawful for any person to maim, kill or in any manner injure any wild or migratory bird within the Urban Services District.

Sec. 4-1-32. Trapping wild birds; robbing nests.

It shall be unlawful for any person to trap any mocking bird or any other wild bird, or rob the nests thereof of eggs or young, in any of Augusta-Richmond County cemeteries or upon or around

the basin, reservoir or pumping station of the waterworks, or elsewhere within the Urban Services District.

Sec. 4-1-33. Fowl running at large.

It shall be unlawful for chickens, geese, ducks or other fowl to run at large upon the streets or in the confines of public or private parks of Augusta-Richmond County.

Sec. 4-1-34—4-1-50. Reserved.

ARTICLE 3 LIVESTOCK

Sec. 4-1-51. Stock pens, etc., allowed by permission of board of health only; removal and abatement.

It shall be unlawful for any person to establish, keep or maintain any stock pen, or place of like character, for stock, cattle, hogs, sheep or goats, or any like purpose, in the Urban Services District, except by the permission and under the direction of the board of health. In place of any action imposing a fine, any court with jurisdiction to enforce this code may, acting under the provision made in Sec. 41-2-5 of the Code of Georgia, order the abatement of such stock pen or like place. No case shall be tried under this section except upon institution and prosecution of it by the board of health.

Sec. 4-1-52. Livestock running at large or stray.

It shall be unlawful for any livestock to run at large or to stray upon the public roads of Augusta-Richmond County or any property not belonging to the owner of the livestock, except by permission of the owner of such property.

Sec. 4-1-53. Impoundment of livestock straying.

(a) It shall be the duty of the Augusta-Richmond County Animal Control Department officers to impound livestock found to be running at large or straying. Owners or operators of a farm may also impound such livestock, provided that

the livestock is kept in a suitable place and cared for properly. Such owners or operators shall receive the feed and care fee for such animal.

(b) If the owner or operator of a farm impounds livestock, it shall be his duty to notify the owner of such livestock immediately. If the owner of the livestock is unknown and is not determined within three (3) days, the person who impounds the livestock shall notify the Augusta-Richmond County Animal Control Department of such impoundment, and the Animal Control Department shall transport the livestock as soon as possible to a suitable place and care for it properly, with the owner responsible to Augusta-Richmond County for the feed and care fee for such animal.

Sec. 4-1-54. Notice of impoundment of livestock.

Upon the impounding of any livestock by the Augusta-Richmond County Animal Control Department, said department shall notify the owner, advising such owner of the livestock that the animal is impounded at the shelter, the amount due as a result of such impounding, and that unless such livestock is redeemed within five (5) days from date of impoundment the livestock shall be offered for adoption. In the event the owner of such livestock is unknown or cannot be found, service upon the owner shall be obtained by publishing a notice one (1) time in a newspaper of general circulation where the livestock is impounded.

Secs. 4-1-55—4-1-60. Reserved.

ARTICLE 4 ENFORCEMENT

Sec. 4-1-61. Penalty.

Any person or persons failing to comply with the lawful provisions of this chapter or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided by Sec. 1-6-1.

Sec. 4-1-62—4-1-70. Reserved.

ARTICLE 5. STERILIZATION OF DOGS AND CATS

Sec. 4-1-71. Definitions.

As used in this article, the term:

- (a) *Animal shelter.* Any facility operated by or under contract for the state or any county, municipal corporation, or other political subdivision of the state for the purposes of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.
- (b) *Humane society.* Any unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.
- (c) *Public or private animal refuse.* Harbors of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.
- (d) *Sexually mature animal.* Any dog or cat that has reached the age of one hundred eighty (180) days or six (6) months or more.
- (e) *Sterilization.* The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Sec. 4-1-72. Sterilization required; exceptions.

- (a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or

private animal refuse shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

- (1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
- (2) Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty (30) days after acquisition of such animal in the case of an adult animal or within thirty (30) days of the sexual maturity of the animal in the case of an immature animal; provided, however, that the requirements of this Code section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

(b) All costs of sterilization pursuant to this Chapter shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.

(c) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuse, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuse a signed statement from the licensed veterinarian performing the sterilization required by paragraph (2) of subsection (a) of this Code section within seven (7) days after such sterilization attesting that such sterilization has been performed.

(d) Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuse selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from such shelter, agency, society, or refuge a

current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

Sec. 4-1-73. Failure to comply.

It shall be a misdemeanor to fail or refuse to comply with the requirements of Sec. 4-1-72 and any person convicted of said misdemeanor shall be subject to a fine not to exceed two hundred dollars (\$200.00).

Chapter 2

HEALTH AND SANITATION**ARTICLE 1. IN GENERAL****Sec. 4-2-1. Smoking prohibited in Augusta-Richmond County buildings.**

(a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) *Public building.* Any enclosed building, structure or indoor facility owned, operated, leased or managed by Augusta-Richmond County which is used by or open to the public, including without limitation, public transportation, enclosed areas occupied by Augusta-Richmond County staff, open office areas, shared offices, private offices, hallways, restrooms, escalators, elevators, stairways, lobbies, reception and waiting rooms, classrooms, meeting or conference rooms and auditoriums, on-site cafeterias, lunchrooms, lounges and any facility, school or educational institution being used by Augusta-Richmond County for the purpose of providing classroom instruction.
- (2) *Smoking.* Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.

(b) No person shall smoke in any public building as defined in this section.

(c) Nothing in this section shall be deemed, interpreted, or construed to permit smoking in any public place or area where smoking is prohibited or restricted by other applicable law.

(d) No Smoking signs with letters of not less than one (1) inch in height shall be conspicuously posted in every building, structure or facility where smoking is prohibited by this section by the operator, manager or other person having control of such building, structure, facility or other place.

(e) If any provision of this section or the application thereof to any person or circumstances are held to be invalid, such invalidity shall not affect

other provisions or applications of this section which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

(f) Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be subject to the penalties provided by section 1-6-1.

Sec. 4-2-2. Unlawful dumping of debris; harborage of rats or other rodents; accumulation of weeds and noxious vegetation on vacant lots and unoccupied parcels of land.

(a) *Prohibition.* No owner of any vacant lot or parcel of land within Augusta-Richmond County shall permit or allow the harborage of rats or other rodents, debris to be dumped or old lumber and building material to be piled thereon, nor shall he permit or allow grass, weeds, vines, underbrush or other growth to grow or accumulate thereon, or on the area between the lot or parcel of land and the street curb, so as to constitute an unclean, unhealthy, unsanitary, unsightly, filthy, dangerous, objectionable or offensive condition.

(b) *Abatement.* Whenever the code enforcement officer discovers that the provisions of the subsection (a) are being violated, he shall give the owner, his agent or other representative ten (10) days' written notice by mail, directed to his last-known address, that the condition shall be remedied within ten (10) days; and if, after the expiration of the ten (10) days the condition is not remedied, the zoning enforcement officer shall cause the work to be done and tax the cost of the work against the owner and the property in the same manner and under the same terms as the cost of other public improvements is taxed. The cost shall constitute a lien against the property, and the delinquent tax collector shall issue a fi. fa. in the name of Augusta-Richmond County, acting by and through its Commission, for the cost, and

levy the fi. fa. upon, and expose for sale, the property in the same manner as levies and sales under tax fi. fas. are now executed.

(c) *Violation; penalty.* In addition to causing the condition of the property to be remedied as authorized in subsection (b), in the event that the condition is not remedied by the owner at the expiration of ten (10) days, the zoning enforcement officer shall make a case against the offending party and upon trial and conviction thereof, the offending party shall be subject to the penalties provided by section 1-6-1. (Ord. No. 6718, § 1, 9-4-04)

Sec. 4-2-3. Dumping of garbage and refuse collected outside county at county landfill.

(a) *Prohibited.* It shall be unlawful for any person to dump garbage and refuse at the Augusta-Richmond County landfill, owned and operated by Augusta-Richmond County, Georgia, when said garbage or refuse was not collected in Richmond County, Georgia, except pursuant to written contract or prior approval by the Augusta-Richmond County Administrator.

(b) *Penalty for violation of section.* Any person who shall violate this section shall be charged with each and every violation, and upon trial and conviction, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-4. Trespassing, scavenging on landfill prohibited.

(a) No person shall knowingly and without authority enter upon the land or premises, now or in the future, designed as an Augusta-Richmond County landfill site without the express permission of the director of the landfill or his delegate; nor shall any person knowingly and without authority remain upon the land or premises, now or in the future, designed as a landfill site, after the permission of the director of the landfill or his delegate has been withdrawn.

(b) No person shall knowingly and without authority remove any materials from the land or premises now or in the future designed as a landfill site, including but not limited to material

constituting residential and commercial solid waste, trash, tin cans, glass bottles, garbage, rubbish, discarded materials, sand, gravel, slag, or other refuse.

(c) Any person or persons failing to comply with the lawful provisions of this section or any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense and upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-5. Refuse acceptable for disposal at solid waste landfill.

(a) The following refuse shall be considered to be acceptable for disposal by the county:

- (1) *Garbage.* Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
- (2) *Ashes.* The residue from the burning of wood, coal, coke or other materials.
- (3) *Rubbish.* Non-putrescible solid wastes excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals and any tree trunks, limbs or other wood products, provided that any such items larger than four (4) inches in diameter, shall be cut into four-foot lengths.
- (4) *Dead animals.* Small dead animals, not exceeding seventy-five (75) pounds in weight, which die in the normal course of community activity, excluding condemned animals, shall be accepted at the disposal site upon request.

(b) The following refuse shall be considered to be unacceptable for disposal by the county:

- (1) Dangerous materials or substances, such as poisons, acids, caustics, infected materials and explosives.
- (2) Unusual quantities of materials resulting from the repair, excavation or construction of buildings or structures, such as earth, plaster, mortar and roofing materials.

- (3) The solid wastes resulting from industrial processes.
- (4) Solid waste that has been burned and has any evidence of smoke, spark or fire remaining.
- (5) Sealed drums. Each drum must have an open top for inspection. No drum for liquid storage will be accepted for disposal.

(c) A separate area shall be provided at the landfill for the disposal of stumps, logs, other building materials, and tires that cannot be deposited in the regular landfill site.

(d) All industrial, governmental and commercial waste haulers shall place a decal furnished by Augusta-Richmond County on their vehicle that denotes the cubic yard capacity being hauled into the landfill.

(e) The fees for the disposal of refuse shall be fixed from time to time by the Augusta-Richmond County Commission and kept on file in the office of the county administrator and shall be published at the landfill site.

Sec. 4-2-6. Fees for use of Augusta-Richmond County solid waste landfill.

(a) *Fees.* The following fees shall be charged for the use of the Augusta-Richmond County solid waste landfill.

Asbestos	\$ 20.00 per cubic yard
Inert waste disposal.	16.75 per ton
Metal	0.00 per ton
Mulch purchase (small pickup truck)	5.00 per load
Mulch purchase (large pickup truck)	10.00 per load
Mulch purchase (commercial).	15.00 per ton
Non-profit organizations waste disposal (with administrator's approval)	23.50 per ton
Non-tarped loads/private vehicle	25.00 each occurrence
Non-tarped loads/commercial vehicle.	75.00 each occurrence

Residential disposal (three bags or less)	0.00
Residential disposal (four bags to six bags)	2.00 per load
Residential disposal (small truck or trailer)	7.50 per load
Solid waste (municipal solid waste, construction and demolition, special waste) disposal	33.50 per ton
Solid waste (2,000—4,999 tons per month) disposal	30.50 per ton
Solid waste (5,000—9,999 tons per month) disposal	27.50 per ton
Solid waste (10,000 or greater tons per month) disposal	24.50 per ton
Solid waste with beneficial use—Such materials as are usable at the landfill for daily cover and other uses and shall include, but not be limited to brick slag and other usable materials.	10.00 per ton

The director of the landfill or his designee reserves the right to determine what is "usable", to limit the quantity of "usable" materials received by the landfill for any given period of time, and to receive only so much "usable" materials as are consumable by the landfill in the sole discretion of the director.

Tires (17 inch or smaller)	\$ 3.00 each
Tires (larger than 17 inch)	8.00 each
Tires (truckload)	180.00 per ton
Vehicle permit sticker	100.00 per calendar year

(b) *Fee increases.* Fees for each item listed above may from time to time be increased at the discretion of the administrator. The increase allocated for any calendar year shall not exceed one dollar (\$1.00) for any item listed above. Should a full one dollar (\$1.00) increase not be exercised the allocation of a portion equaling up to one dollar (\$1.00) from that year within the unused allocation may carry forward and be used in the following year not to exceed two dollars (\$2.00), and so on up to a maximum of three (3) years. At no time shall the increase at the administrator's discretion exceed three dollars (\$3.00) for any item listed above.

(c) *Fee decrease.* Fees for each item listed above may from time to time be decreased at the discretion of the administrator. The decrease allocated for any calendar year shall not exceed one dollars (\$1.00) for any item listed above. Should a full one dollar (\$1.00) decrease not be exercised the allocation of a portion equaling up to one dollar (\$1.00) from the year within the unused allocation may carry forward and be used in the following year not to exceed two dollars (\$2.00) and so on up to a maximum of three (3) years. At no time shall the decrease at the administrator's discretion exceed three dollars (\$3.00) for any item listed above.

(Ord. No. 6238, § 1, 1-4-00; Ord. No. 6778, § 2, 8-1-04; Ord. No. 6793, § 2, 5-17-05)

ARTICLE 2 LITTER CONTROL

Sec. 4-2-7. Definitions.

(a) *Commission.* The Augusta-Richmond County Commission, or its designated representative.

(b) *Litter.* All sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.

(c) *Person.* Any person, firm, partnership, corporation or unincorporated association.

(d) *Public or private property.* The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests in Augusta-Richmond County.

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

Sec. 4-2-8. Certain deposits prohibited; exception.

It shall be unlawful for any person or persons to dump, deposit, throw or leave, or cause or

permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in Augusta-Richmond County unless:

- (a) The property is designated by Augusta-Richmond County for the disposal of litter and the person is authorized by the proper public authority to use such property;
- (b) The litter is placed into a litter receptacle or container installed on such property; or
- (c) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a matter consistent with the public welfare.

Sec. 4-2-9. Littering streets and sidewalks prohibited.

It shall be unlawful for any person to place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, paper or similar rubbish and junk upon any public street or sidewalk in Augusta-Richmond County. As used in this Section, "junk" includes without limitation appliances, furniture and other bulk items not considered usual household garbage. The sanitation department is not responsible for collection and/or disposal of such junk, and such junk shall not be collected by the sanitation department, but must be disposed of by the owner of the property on which it is located.

Sec. 4-2-10. Placing, throwing, etc., dangerous objects in streets and sidewalks prohibited.

It shall be unlawful for any person to place or to throw or to leave or abandon on any street in Augusta-Richmond County any glass bottle or car or the fragments thereof, or any broken glass bottle or crockery or any kind of nails, tacks, brickbats, or any article or object likely to injure barefoot persons using such streets or sidewalks or to injure or puncture the tires of vehicles utilizing pneumatic tires for their locomotion.

Sec. 4-2-11. Keeping crates, boxes, etc., on streets and sidewalks prohibited; exception.

It shall be unlawful for any person to keep on the streets or sidewalks in Augusta-Richmond County any crates, boxes, or any similar containers, except authorized trash receptacles.

Sec. 4-2-12. Churches and public places; littering and spitting prohibited.

It shall be unlawful for any person to spit or throw hulls, peelings or other litter upon the sidewalk or in or upon the floors of churches, public halls, theaters, buses, auditoriums, and other similar public places.

Sec. 4-2-13. Distributing handbills and advertising matter in automobiles, on private property prohibited; exceptions.

(a) It shall be unlawful to place in or on any automobile in Augusta-Richmond County any handbill, circular, pamphlet, poster, postcard, or other literature except with the permission, express or implied, of the owner or occupant of such automobile.

(b) It shall be unlawful for any person to place on private property any handbill, circular, pamphlet, poster, postcard, or other literature except with the permission, express or implied, of the owner of the property or intended recipient.

Sec. 4-2-14. Transporting refuse in vehicles regulated.

(a) *Regulations for all vehicles.*

(1) It shall be unlawful for any person, firm or corporation to transport any garbage, trash, refuse or other cargo upon the public thoroughfares in Augusta-Richmond County if the same is of a character or substance which is likely to be deposited from the motor vehicle onto the public rights-of-way, unless the same is secured by containers, tarpaulin, or other device in such fashion as to effectively prevent such deposit on the public rights-of-way.

(2) No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.

(3) It shall be unlawful for any person, firm, business, or corporation to transfer refuse between vehicles on any public property, including without limitation public rights-of-way.

(b) *Additional regulations for commercial solid waste collection and transportation vehicles and containers.* It shall be unlawful for any person, firm, business, or corporation to engage in the business of transporting refuse as defined in Augusta-Richmond County Code section 4-2-5 unless and until the following conditions are met:

(1) Business tax certificate. Prior to commencing business to transport refuse, a business tax certificate to conduct such business must be obtained as provided in Augusta-Richmond County Code Section 2-1-1, et seq. Prior to the use and operation of any solid waste collection and transportation vehicle, such vehicle shall be thoroughly inspected and examined by the Marshall's Department and found to comply with the Augusta-Richmond County Code. All such businesses shall indicate compliance with this Section by displaying on each commercial solid waste collection and transportation vehicle a sticker issued for such purpose by the Marshall's Department. Business tax certificates and vehicle stickers shall be renewed annually. The annual inspection fee for compliance with this section shall be twenty-five dollars (\$25.00) upon enactment of this section.

(2) Vehicle and container construction. Solid waste collection and transportation vehicles and containers shall be enclosed with a non-plyable material, substantially leak-proof, durable, and of easily cleanable construction, and shall be inspected by the Marshall's Department every six (6) months to ensure the continued maintenance of such vehicles and containers.

The date showing the last inspection shall be shown on the sticker described herein.

- (3) Vehicle and container maintenance. Solid waste collection and transportation vehicles and containers shall be maintained at all times in clean condition and in good repair, and free of excessive noise, odor and emissions.
- (4) Littering and spillage. Solid waste collection and transportation vehicles and containers shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent blowing of material from the vehicle.

(Ord. No. 6235, § a, 12-21-99)

Sec. 4-2-15. Duty of owner, occupant, etc., To keep property litter free.

The owners, occupants and lessees of all property, jointly and severally, are required to remove all litter and place the same in proper containers. Vacant lots, borders, parking lots, embankments, fences, walls and sidewalks shall be kept free of litter. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

Sec. 4-2-16. Duty of proprietors, business managers to insure cleanliness of areas surrounding businesses.

(a) The proprietor and person in charge of every business and commercial establishment in Augusta-Richmond County, jointly and severally, is hereby required to keep the driveways, yards, parking lots and areas adjacent thereto and under his control clean at all times and to place sweepings in a container to prevent rescattering.

(b) Any proprietor or person in charge of a business which offers curb service shall be responsible for all paper, trash or other refuse deposited on the street or sidewalk by his customers. Any person in front of whose place of business retail or wholesale transactions are made shall be responsible for all trash or other refuse deposited on the street or sidewalk as the result of such transactions.

(c) It shall be unlawful for any property owner or tenant to permit waste paper, paper cups or food containers of any kind to remain unsecured on his property, but the same shall be placed in a closed container immediately after use. It shall also be unlawful for any property owner or tenant to permit any waste paper, paper cups or other paper products to blow from any premises owned or controlled by him onto the streets of Augusta-Richmond County.

Sec. 4-2-17. Grass, leaves, tree trimmings, etc.

(a) *Prohibited in streets or gutters.* It shall be unlawful to place grass, leaves, shrubbery trimmings, brush, limbs, trees or parts thereof, or any similar materials in the streets or gutters within Augusta-Richmond County. Any person engaged in the business of horticulture or landscape gardening or landscape maintenance such that such materials are created as a result of said business shall be responsible for disposing of said materials.

(b) *Collection.* Grass, leaves or shrubbery trimmings and similar materials in the Urban Services District shall be placed in closed containers or bags, and only brush, limbs, trees or parts thereof, and similar materials which are no more than four feet long and/or four inches in diameter and weigh no more than fifty (50) pounds, all of which are required to be placed in a neat, orderly pile between the curb and sidewalk for collection according to the collection schedule published by Augusta-Richmond County.

(c) *Disposal required.* Material not eligible for collection as set out in subsection (b) hereof shall not be collected, and it shall be the responsibility of the property owner, or the person engaged in the business of horticulture or landscape gardening or landscape maintenance, to dispose of said material.

(d) *Cleaning of property at owner's expense; violations.* In the event Augusta-Richmond County discovers such material on property within Augusta-Richmond County, Augusta-Richmond County shall leave a written notice at the property which notifies the owner of his/her responsibility to dispose of the material, or shall provide

written notice by mail to the person engaged in the business of horticulture or landscape gardening or landscape maintenance. In the event the material is not disposed of according to this Section within fifteen (15) days of said written notice, Augusta-Richmond County shall have the option, but shall not be required, to collect and dispose of said material, with the cost of such collection and disposal billed to the property owner or other responsible party. If such cost is not paid by the property owner within ten (10) of the date of billing, then execution may be issued by the Augusta-Richmond County Commission against the property upon which such service is rendered for the cost thereof, and such execution shall constitute a lien against the property until fully paid and satisfied. Said execution may be enforced in the same manner, and with the addition of interest and costs, as provided by law for the enforcement of executions for ad valorem taxes. Any person or party violating this section may be prosecuted and, if convicted, shall be subject to the penalties provided in section 1-6-1.

Sec. 4-2-18. Owners, occupants, etc., of commercial, institutional or industrial properties to provide containers for litter generated by customers, licenses or invitees.

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

Sec. 4-2-19. Parking lot owners to provide containers for litter generated from lot operations.

Every owner and every operator of a private or commercial parking lot shall provide litter con-

tainers of adequate size, character and number, as specified by Augusta-Richmond County, to contain the litter generated by the operations of such parking lot.

Sec. 4-2-20. Work areas to be kept in clean condition.

All work areas, including, but not limited to, loading and unloading areas, shall be provided with containers for the deposit of litter created by packing or repacking operations; and the owner of the premises and the occupant thereof shall jointly and severally maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

Sec. 4-2-21. Garbage storage areas to be kept clean.

Every owner, occupant and lessee of a house or building shall be jointly and severally required to maintain garbage storage areas in a clean condition and to ensure that all garbage is properly containerized.

Sec. 4-2-22. Removal of litter, trash and debris resulting from special occasions.

Litter, trash and debris resulting from special occasions such as holidays, moving or cleanup will be made into bundles weighing not more than fifty (50) pounds each and not more than four (4) feet long, two (2) feet wide and two (2) feet high, and made secure. Empty cartons will be broken down before being placed in bundles. Bundles will be placed at or near the front property line for pickup.

Sec. 4-2-23. Removal of construction-site litter.

Property owners and prime contractors in charge of a construction-site are jointly and severally required to furnish litter containers for construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.

Sec. 4-2-24. Cleaning of property at owner's expense.

In the event Augusta-Richmond County discovers that litter has been illegally placed on private property within Augusta-Richmond County, written notice shall be posted at the property which notifies the owner of his/her responsibility to dispose of the material. In the event said litter is not disposed of according to this section within fifteen (15) days of said written notice, the sanitation department shall have the option, but shall not be required, to collect and dispose of said material, with the cost of such collection and disposal billed to the property owner or other responsible party. If such cost is not paid by the property owner within ten (10) days of the date of billing, then execution may be issued by the Augusta-Richmond County Commission against the property upon which such service is rendered for the cost thereof, and such execution shall constitute a lien against the property until fully paid and satisfied. Said execution may be enforced in the same manner, and with the addition of interest and costs, as provided by law for the enforcement of executions for ad valorem taxes. In addition, any person or party violating this section may be prosecuted and, if convicted, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-25. Violations; penalties.

All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in Sec. 1-6-1.

Sec. 4-2-26. Unauthorized interference with receptacles or contents.

It shall be unlawful for any unauthorized person to deposit or throw any article or substance in any receptacle for garbage and trash (including without limitation, garbage and trash dumpsters belonging to commercial establishments) or to remove, injure or destroy, uncover or in any manner move or disturb such receptacle or any portion of its contents.
(Ord. 5935, July 15, 1997)

Secs. 4-2-27—4-2-36. Reserved.

ARTICLE 3. GARBAGE COLLECTION IN URBAN SERVICES DISTRICT

Sec. 4-2-37. Definitions.

(a) *Business district.* The area of the Urban Services District bounded on the north by the Savannah River, on the east by the eastern side of Fifth Street, on the south by the southern side of Walker Street and on the west by the western side of Thirteenth Street, and any other area which may, from time to time, be so designated by the Commission.

(b) *Residential district.* All areas of the Urban Services District other than the business district.

Sec. 4-2-38. Accumulation of garbage, etc.—Generally.

It shall be unlawful for any person to accumulate garbage and trash except between regular collections as specified by the sanitation department, it being the purpose and intention hereof to require the placing for collection of all garbage and trash accumulated up to the time of collection and to prohibit the holding over of garbage or trash beyond such regular collections.

Sec. 4-2-39. Collection days.

(a) Garbage shall be collected in the business district each night, Monday through Friday, except holidays. Garbage shall be collected from restaurants and business establishments in the business district each week day night Monday through Saturday, except holidays.

(b) Garbage shall be collected in the residential district on week days as specified by the sanitation department for the different areas. Tree trimmings, leaves and rough trash will be collected on such week days, holidays excepted, as shall be determined by the sanitation department under the provisions of Sec. 4-2-41.

Sec. 4-2-40. When garbage to be placed at curb; no backyard garbage pickup.

In the residential district, garbage shall be placed on the edge of the curb not later than 8:00

A. M. on all days upon which garbage is to be collected, and in the business district not later than 9:00 P. M. on days upon which garbage is to be collected. No garbage shall be placed on the streets in the residential district after the last collection on Friday and before the following Monday. No garbage shall be placed on the streets in the business district after the last collection on Saturday and before the following Monday. No garbage shall be picked up from the backyard of any property in the residential district.

Sec. 4-2-41. Paper, pasteboard boxes, etc. Required to be flattened for collection.

All paper, pasteboard boxes, cardboard boxes or other similar containers when placed at proper points for collection shall be flattened so as to occupy as little space as possible. When flattened, such containers shall be stacked in a manner that will permit convenient removal. Garbage, bits of paper, and other debris shall not be placed in the aforementioned containers.

Sec. 4-2-42. Same—Permit for removal.

It shall be unlawful for any person to pick up or remove any paper, pasteboard boxes or other material that may be placed outside stores and places of business in Augusta-Richmond County unless such person has the permission of the business owner.

Sec. 4-2-43. Reserved.

Sec. 4-2-44. Containers and receptacles—Generally.

(a) Special provisions applicable to manufacturers, merchants, hospitals, hotels, etc., producing large amounts of refuse. Manufacturers, merchants or operators of business and public service establishments including hospitals, hotels, apartment buildings and multiple unit dwellings, which produce more than five thirty-gallon cans of refuse between specified collections shall use such type of container therefor as the Commission may from time to time prescribe, and shall pay a fee for the collection thereof at the rate of fifty cents per cubic yard of refuse removed. The computation of

such fees shall be made by the sanitation department and the fees shall be paid monthly on being billed therefor by the Commission. If such bill is not paid within ten days from its receipt there shall be added thereto a penalty computed at ten (10) percent of the amount of such bill. Should such firm or person decline or refuse to pay for such service, then such firm or person shall be required to remove its refuse and garbage at its expense, subject to the supervision thereof by the sanitary department. There shall be a minimum of two garbage collections per week.

Sec. 4-2-45. Notice to occupant or owner to secure receptacle.

Upon written notice to the occupant or owner of any premises required to provide himself with a suitable receptacle as provided in this article, or upon written notice to a manufacturer or merchant to provide himself with a suitable receptacle as provided in this article, it shall be the duty of the manufacturer, merchant or person to at once provide himself with the required receptacle. It shall be unlawful to fail to comply with such notice within five (5) days after issuance of same.

Sec. 4-2-46. Unauthorized interference with receptacles or contents.

It shall be unlawful for any unauthorized person to deposit or throw any article or substance in any receptacle for garbage and trash or to remove, injure or destroy, uncover or in any manner move or disturb such receptacle or any portion of its contents.

Sec. 4-2-47. Putting acids or harmful fluids in receptacles.

It shall be unlawful for any person to put any acid or harmful fluids liable to do injury to persons or property in any trash or garbage receptacle. This shall not be construed to prevent the use of disinfectants.

Sec. 4-2-48. Sanitation department employees to replace containers after collection. (Reserved)

Sec. 4-2-49. Removal of receptacles from streets or sidewalks following collections.

It shall be unlawful for any merchant, manufacturer, owner or occupant to allow any garbage

receptacle, filled or empty, to remain on the streets, sidewalks or any public place in the residential district after 6:00 p.m. following the regular garbage collection. All containers in the business district shall be removed from the streets by 9:00 a.m. following the regular night collection. This section shall not apply to closed containers with six (6) cubic yards or more capacity, where special permission has been granted by the sanitary department to place such container on the sidewalk.

Sec. 4-2-50. Fees for collection of commercial garbage.

The fees charged for collection of commercial garbage shall be as follows:

- (a) For all customers who were being charged at the rate of seventy-five cents (\$0.75) per cubic yard of container prior to January 1, 1988, the rate shall be one dollar (\$1.00) per cubic yard of container; provided, however, that all such customers which have more than two (2) containers which are picked up more than two (2) times per week shall be charged at the rate of seventy-five cents (\$0.75) per cubic yard of container.
- (b) For all customers who were not charged for pickup prior to December 31, 1987, shall be charged at the rate of one dollars (\$1.00) per cubic yard of container for pickup two (2) times per week.

ARTICLE 4. DISPOSAL OF ASBESTOS AND BIOLOGICAL WASTE

Sec. 4-2-51. Definitions.

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

(b) *Biomedical waste* means and includes the following:

- (1) Pathological waste, which means all recognizable human tissues and body parts

which are removed during surgery, obstetrical procedures, autopsy and laboratory procedures.

- (2) Biological waste, which means bulk blood and blood products, exudates, secretions, suctionings, and other bulk body fluids which cannot be 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 biological, 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 disposal material which has come in contact with cytotoxic/antineoplastic agents (agents toxic to cells) and/or antineoplastic agents (agents that inhibit or prevent the growth and spread of tumors or malignant 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 such in 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.

(c) *Collector*: Any person or persons, firm or corporation who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting asbestos and/or biomedical-waste from industries, offices, retail outlets, businesses, institutions and/or similar locations, or from residential dwelling.

Sec. 4-2-52. Manifest form required.

No collector shall be allowed to dispose of asbestos and/or biomedical waste at the Augusta-Richmond County landfill without obtaining, at least ten (10) days prior to disposal of the asbestos and/or biomedical waste at the landfill, a manifest form from the solid waste engineer of the landfill and/or his representative providing the required information as to material generation, transportation and disposal in accordance with Georgia Department of Natural Resources, Environmental Protection Division, Rules and Regulations.

Sec. 4-2-53. Inspections.

All collectors shall allow authorized representatives from the landfill, during the period of time prior to disposal of the asbestos and/or biomedical waste at the landfill, access to the removal site for inspections.

Sec. 4-2-54. Out-of-county waste prohibited.

No collector shall deposit asbestos and/or biomedical waste at the landfill that is not generated within the boundaries of the county, except pursuant to a contract with Augusta-Richmond County.

Sec. 4-2-55. Penalty for violation of article.

Any collector failing to comply with the lawful provisions of this article or doing any act prohibited by this article or failing to do any act mandated by this article shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in sec-

tion 1-6-1. Any collector who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this article shall, upon conviction, be subject to the penalties provided in section 1-6-1.

ARTICLE 5. SMOKE ABATEMENT

Secs. 4-2-56—4-2-71. Reserved.

ARTICLE 6. SCRAP TIRE MANAGEMENT*

Sec. 4-2-72. Definitions.

(a) *Scrap tires*. All tires which are no longer suitable for their original intended purpose because of wear, damage, or defect as defined in O.C.G.A. § 12-8-22(31).

(b) *Scrap tire generator*. Any person who generates scrap tires as defined in section 391-3-4-19(2)(i) of the Georgia Rules of Solid Waste Management.

(c) *Scrap tire carrier*. Any person engaged in picking up or transporting scrap tires not otherwise exempted under section 391-3-4-19(5)(g) for the purpose of removal to a scrap tire processor, end use, or disposal facility as provided in O.C.G.A. § 12-8-22 (32).

(d) *Tire retailer*. Any person engaged in the business of selling new replacement tires as provided in O.C.G.A. § 12-8-22(39).

Sec. 4-2-73. Scrap tire storage, handling, and disposal—General.

(a) The owner or occupant of any property shall be responsible for the sanitary and lawful handling and disposition of scrap tires on the property.

(b) All persons defined as scrap tire generators, scrap tire carriers and tire retailers shall be subject to rules as defined in Section 391-3-4-19

***Editor's note**—Ord. No. 6146, § 1, adopted April 6, 1999 provided for this Art. 6 to read as herein set out. See the Code Comparative Table.

and handle scrap tires in accordance with the provisions of O.C.G.A. § 12-8-20, et seq. and the rules for Solid Waste Management, Chapter 391-3-4 applicable to solid waste.

(c) The provisions of O.C.G.A. § 12-8-20, et seq. are hereby incorporated in this section as if set out in full herein.

Sec. 4-2-74. Accumulation

(a) It shall be unlawful for any person in a residential zone to accumulate any amount of scrap tires on or around property which they own or occupy.

(b) It shall be unlawful for any commercial business other than those excepted in O.C.G.A. § 12-8-40.1(g) to accumulate more than one hundred (100) scrap tires on the property which it owns or occupies at any given time.

(c) It shall be unlawful for any person or entity authorized by this article and/or state law to handle, store and/or dispose of scrap tires, to do so in any manner other than the following: Permitted quantities of scrap tires may be stored outside the property of an authorized business in a container enclosed on all four (4)sides by a solid screen and having a secure top cover, which container is not visible from any public right-of-way or any adjoining property.

Sec. 4-2-75. Enforcement

(a) Enforcement of this article shall be the responsibility of the License and Inspection Department by and through its Environmental Code Enforcement Officer and his or her designee.

(b) (1) Any person or persons authorized to enforce this article on behalf of the License and Inspection Department Environmental Code Enforcement Officer shall be empowered to enter any private or public property, upon reasonable cause, at reasonable times in order to inspect the property for violations of this article, subject to the condition that to allow entry on private property for inspection, such officer shall have observed the alleged violation from the public right-of-way, or shall have received a written complaint

signed by a resident of Richmond County, Georgia alleging a violation of this article.

(2) If such property is occupied, the inspecting officer must first present proper credentials and request entry. If such property is unoccupied, the inspecting officer shall first make a reasonable effort to locate the owner or other person having charge, care or control of such and request entry. If entry is refused, the investigating official shall have recourse to every remedy provided by law to secure entry.

(3) When the investigating officer shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of the property shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the investigating officer, for the purpose of inspection and examination pursuant to this code section.

(c) The License and Inspection Department or the Environmental Code Enforcement Officer shall be authorized to issue summons for hearings on alleged violations of this article in the Magistrate Court of Richmond County.

Sec. 4-2-76. Penalties

Any person failing to comply with the lawful provisions of this article or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor shall be subject to both the penalties provided by section 1-6-1, and to any or all of the following penalties:

(a) In the sound discretion of the trial court, the violator may be ordered to remove from any property for which the violator is responsible the unlawful accumulation of scrap tires and to come in full compliance with this article.

(b) In the sound discretion of the trial court, the violator may be ordered to remove

from the property of another any unlawful accumulation of scrap tires for which the violator is responsible.

- (c) The violator shall be subject to civil redress by Augusta, Georgia in a court of competent jurisdiction, it being the intent of Augusta, Georgia to have both the civil and criminal rights of prosecution in this area.