

AN ORDINANCE TO PROVIDE FOR THE PROPER COLLECTION AND
DISPOSAL OF HOUSEHOLD/RESIDENCE SOLID WASTE, GARBAGE AND OTHER
SOLID WASTE AND PENALTIES FOR THE IMPROPER DISPOSAL OF THE SAME

WHEREAS, the South Carolina Solid Waste Act of 1991 requires that all Counties in South Carolina manage the collection and disposal of solid waste generated within each County;

WHEREAS, Marlboro County has granted an exclusive franchise to an independent franchisee to collect and dispose of all household/residence solid waste and garbage; and

WHEREAS, the counties must require that the occupants of each household/residence comply with all Federal, State and County statutes, ordinances, rules and regulations and other laws pertaining to the proper collection and disposal of solid waste generated by such household/residence.

NOW, THEREFORE, BE IT ORDAINED BY THE MARLBORO COUNTY COUNCIL DULY ASSEMBLED THAT:

1. LEGISLATIVE FINDINGS:

The Marlboro County Council finds that the County must comply with the mandates of the South Carolina Waste Act of 1991 by requiring that all solid waste be disposed of in a manner approved by DHEC and to do so must require that all household/residences contract with and pay the charges approved by the Marlboro County Council of the franchisee that was granted the franchise to collect household trash and garbage within the unincorporated areas of Marlboro County. Marlboro County Council further finds that to comply with the mandates of DHEC and the Solid Waste Management Act that the dumping, dropping, depositing, discharging or disposal of litter, garbage and household waste upon public and private property in Marlboro County, all of which endangers the health, safety and welfare of the citizens of Marlboro County, must be prohibited and declared to be unlawful. Marlboro County Council further finds that penalties must be provided for violators if the County is to comply with the requirements of DHEC and the Solid Waste Management Act.

2. DEFINITIONS:

For the purpose of this Ordinance the following words and phrases shall have the meaning respectively ascribed to them in this section. When not inconsistent with the context words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall," is always mandatory and not merely discretionary.

Litter: All waste material including, but not limited to, disposal packages or containers, trash, garbage or refuse.

Unincorporated Area: All of Marlboro County, South Carolina, that is not within a municipality duly incorporated and chartered by the State of South Carolina and situated in Marlboro County.

County Administrator: The County Administrator of Marlboro County, South Carolina or his designated agent.

Franchisee: The person, partnership, or corporation who has entered in this Agreement with the County to perform residential solid waste collection.

Disposal Facility: Any facility or location where legal treatment, utilization, processing or disposal of solid waste occurs.

Garbage: All waste food, paper, glass, plastic, leather, textiles, cans and/or any other materials normally associated with common household wastes.

Hazardous Materials: Wastes that are defined as hazardous by State and local law and the South Carolina Department of Health and Environmental Control regulations.

Environmental Control Officer: The person designated by Marlboro County as its environmental control officer or his authorized representative.

Household/Residence: One or more habitable rooms which are intended to be occupied by one family with facilities for living, sleeping, cooking, and eating and from which the County would collect residential solid waste except those that are used for recreational purposes only and are not occupied as a permanent residence or occupied for extended periods of time.

Industrial and Commercial Waste: All debris and waste products generated by industrial and commercial enterprises.

Residential Property: Property which contains residential dwelling units.

Roll Cart: Garbage containers, mounted on wheels, which are issued to the citizens by the Franchisee. Containers are used to store garbage and trash between collections by the Franchisee and are the property of the Franchisee.

Sanitary Landfill: The method of disposing of refuse by placing an earth cover thereon which meets the regulations of the South Carolina Department of Health and Environmental Control.

Solid Waste: An all inclusive term which includes garbage, refuse and trash.

Trash: Household trash and garden and yard trash as defined below:

Household Trash: All accumulations of materials from the operation of a household not included within the definition of garbage.

Garden and Yard Trash: All accumulations of grass, leaves, small trees and branches (not exceeding five feet in length and three inches in diameter), shrubs, vines and other similar debris resulting from the maintenance of lawns, shrubs, gardens and trees on residential properties.

DHEC: DHEC means the South Carolina Department of Health and Environment Control.

2. CONTRACT WITH FRANCHISEE:

(A) The occupants of each household/residence within the unincorporated areas of Marlboro County shall be required to contract with the franchisee that was awarded the exclusive right to collect and dispose of household waste and garbage generated by each household/residence within the unincorporated areas of Marlboro County and shall be required to deposit the household waste and garbage generated by each household/residence in the container provided by the franchisee or a container approved by the franchisee for collection by the franchisee, provided, however, that household waste and garbage may be disposed of at a collection station approved by Marlboro County. The occupants of each household/residence shall pay the charges of the franchisee for its services and any late charges that may be charged for the failure to timely pay that have been approved by Marlboro County on a periodic basis. Franchisee may make other charges approved by Marlboro County to the occupants of household/residences.

(B) Occupants of household/residences who are determined by the Marlboro County Administrator to be destitute or suffering extreme hardship may be exempt by the Marlboro County Administrator from the requirement to contract with the franchisee and pay the fees charged by the franchisee. The Marlboro County Administrator shall make arrangements for the proper disposal of all solid waste generated by the occupants of each household/residence exempted under this section.

(C) The Marlboro County Administrator may exempt occupants of household/residence that generate little or no solid waste from the requirements to contract with the franchisee as required by this Ordinance and allow such occupants to combine the solid waste generated by such household/residence with the solid waste another household/residence and pay the fees approved by Marlboro County for such combinations.

3. COLLECTION AND DISPOSAL OF SOLID WASTE:

(A) The collection and transportation of garbage and trash generated by household/residences by any persons other than the franchisee is unlawful within any unincorporated area of Marlboro County except that a person may transport garbage and trash generated by such person's household/residence and except those persons collecting and transporting garbage and trash for any municipality located within Marlboro County.

(B) The improper disposal of solid waste which includes, but is not limited to, burial or burning other than at an approved Subtitle D landfill or other approved facility shall be unlawful.

(C) Placing or causing to be placed any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind, or any other hazardous waste in any roll cart provided by the franchisee or other container for solid waste collection is unlawful.

(D) Any person other than the occupant of the household/residence, the occupants' agents or employees, and employees of the franchisee are prohibited from tampering with, damage, moving, disturbing any solid waste container or the contents thereof, of removing the contents of the container from the location where the same shall have been placed by the occupant(s) of the household/residence or the agents of the occupant(s).

(E) Unless approved by the County Administrator, occupants of household/residence are prohibited from receiving for deposit in their solid waste containers provided by the franchisee, any type waste that originates from any source other than the household/residence.

(F) All normal household waste and garbage shall be placed wholly inside the franchisee's container or container approved for use by the franchisee and shall not be placed or left in the area around or near the container. No container shall be overloaded or filled beyond its capacity.

(G) Disposal of hazardous waste other than in a manner approved by DHEC or Marlboro County shall be unlawful.

4. LITTERING:

Dumping, throwing, dropping, depositing, discharging or otherwise disposing of solid waste in any manner other than a manner approved by DHEC or Marlboro County including, but not limited to, disposing of solid waste on any public property or private property that is not an approved collection site for the solid waste being disposed of or in any stream, lake, creek, branch or river in Marlboro County and in any manner prohibited by Section 3 of this ordinance shall constitute littering and shall be unlawful and all persons, companies, corporations or other entities improperly disposing of solid waste by littering shall be subject to the penalties imposed by state law and county ordinance for littering.

5. TRANSPORTATION EQUIPMENT REQUIREMENTS:

(A) All vehicles used in the collection and transportation of solid waste within Marlboro County shall be kept in a sanitary manner and shall be so constructed as to prevent leakage or blowing of solid waste in transit.

(B) The body of the vehicle shall be wholly enclosed or shall be at all times in transit kept covered with an adequate cover or canvas cover provided with eyelets and rope for tying down or any other approved method which will prevent leaking, falling, blowing or spillage. The operator or owner of the offending vehicle shall be personally responsible for any violation of this section.

(C) All refuse vehicles may be inspected at any reasonable time by duly authorized law enforcement officers of the county, and the correction of any deficiencies shall be the responsibilities of the collector.

6. CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS:

The Marlboro County Administrator is hereby authorized to contract with any political subdivision including, but limited to, any municipality, within Marlboro County to enforce the provisions of this Ordinance including authorizing the Environmental Control Officer to enforce all Marlboro County and Municipal Ordinance related to solid waste disposal within the corporate limits of such political subdivision.

7. ENFORCEMENT AND PENALTIES:

(A) The duty of administering the provisions of this Ordinance shall be and are hereby conferred upon the Environmental Control Officer, the Marlboro County Sheriff and all other duly authorized law enforcement officers with jurisdiction in Marlboro County.

(B) Any person who is found to be in violation of any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined up to Five Hundred (\$500.00) Dollars or up to Thirty (30) days in jail. In lieu of cash payment, community services based upon Five Dollars (\$5.00) per hour may be performed.

(C) In addition to the above penalty, the Marlboro County Council or its duly appointed representative may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person, company, corporation or other entity including governmental unit or agency of any which is prohibited by any provisions of this Ordinance.

(D) In the event that any property, any occupant of a property, or any citizen is in danger or is threatened by probable imminent danger because of an apparent violation of this Ordinance, the county attorney and/or person in danger may, in addition to other remedies, request injunction, mandamus, or other appropriate legal action or proceedings to prevent such unlawful occurrence or to correct or to abate the violation.

8. AUTHORITY OF THE ENVIRONMENTAL CONTROL OFFICER:

The County Council finds that for the purpose of providing for the proper security, general welfare, and convenience of the county to ensure the enforcement of this ordinance and other ordinances and laws concerning solid waste disposal, the Environmental Control Officer must be vested with the authority and duties necessary for such purposes. Therefore, pursuant to the authority conferred upon the governing body of Marlboro County by South Carolina Code Ann., Section 4-9-25 and Section 4-9-145 (1976) the County Council does hereby appoint and commission the person designated and employed as the County Environmental Control Officer as a county enforcement officer and hereby vests the Environmental Control Officer with all powers and duties conferred by law upon constables and specifically vest the Environmental Control Officer with the authority and duty to enforce the provisions of this Ordinance and all other ordinances of the County and laws of the State of South Carolina pertaining and related to littering and solid waste disposal.

9. OFFICIAL SUMMONS AND ARREST REPORT:


The official summons and arrest report attached hereto as Addendum I is hereby adopted as the summons for the use of the Marlboro County Environmental Control Officer and the Environmental Control Officer is hereby authorized to use the summons as provided by and in accordance with the provisions of South Carolina Code Ann., Section 56-7-80 (Supp. 1993)

BE IT ORDAINED THIS 12TH DAY OF MAY, 1994.



GEORGE C. MCINTYRE, CHAIRMAN
MARLBORO COUNTY COUNCIL

SEAL

ATTEST:


SHIRLEY R. COVINGTON, CLERK
MARLBORO COUNTY COUNCIL

FIRST READING: 4/14/94
SECOND READING: 4/28/94
THIRD READING: 5/12/94
PUBLIC HEARING: 5/12/94

AMENDMENT INCLUDED IN THE MAY 12, 1994. DRAFT OF ORDINANCE NUMBER 406 PERTAINING TO PROPER DISPOSAL OF SOLID WASTE AND PENALTIES FOR VIOLATIONS.

The official summons and arrest report attached hereto as Addendum I is hereby adopted as the summons for the use of the Marlboro County Environmental Control Officer and the Environmental Control Officer is hereby authorized to use the summons as provided by and in accordance with the provisions of South Carolina Code Ann., Section 56-7-80 (Supp. 1993).

443-7502

ADDENDUM I

MARLBORO COUNTY

ENVIRONMENTAL CONTROL SERVICES

OFFICIAL SUMMONS AND ARREST REPORT

South Carolina
Versus

No. ES

Name _____

Address _____
You are summoned to appear before

TRIAL OFFICER _____

Address _____

On _____ 19 ____ At ____ M

Charge _____

Code Sec. / Reg. No. _____

At or Near _____
DATE BY Env. Services Officer TIME AM PM

CASE BEFORE County Judge <input type="checkbox"/> Magistrate <input type="checkbox"/> State Court <input type="checkbox"/>				Amt. Of Fine \$ _____	
DEFENDENT: Did Not Appear <input type="checkbox"/> Appeared <input type="checkbox"/>				Amt Susp. \$ _____	
DISPOSITION Not Guilty <input type="checkbox"/> Forfeited Bail <input type="checkbox"/> Tried in Absence <input type="checkbox"/> Not Pledged <input type="checkbox"/> Sent Home <input type="checkbox"/> Sent to Jail <input type="checkbox"/> Guilty <input type="checkbox"/> Change of Venue <input type="checkbox"/>				VEHICLE LICENSE NO. STATE _____	
RACE SEX BIRTHDAY HT. HAIR WT. EYES				MAKE OF VEH. COLOR AUTO TRUCK DRIVER'S LICENSE NO. STATE _____	
SENTENCE OF COURT		JAIL	SUSP	CONV. TO SSN	
CERTIFIED CORRECT JUDGE _____ DATE ____ / ____ / ____				REMARKS _____	