

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE #454

**AN ORDINANCE OF THE MARLBORO COUNTY COUNCIL
CONCERNING LITTERING**

WHEREAS, the dumping of litter and other solid waste on public and private land not permitted to receive such waste is a hazard to the health, safety, and welfare of the public, and in violation of state law.

NOW THEREFORE BE IT ORDAINED:

SECTION 1. It shall be unlawful for person(s) without written permission to dump or leave trash, refuse, garbage, or other litter on any property belonging to another, belonging to the county, or along any public highway or county right-of-way for the maintenance of the traveled portions of the roadways of this county.

SECTION 2. Citizens, businesses, and any other person or entity which generates solid waste shall be responsible for confining solid waste generated on any site owned or controlled by them, including building and housing construction sites, from being carried away or deposited by the elements upon any part of public property or waters, to include placing on the site, if reasonable and prudent, a solid waste collection container.

SECTION 3. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (\$100.00) dollars nor more than Five Hundred (\$500.00) dollars for each offense. The court, in lieu of any monetary fine imposed, may direct the substitution of liter-gathering labor under the supervision of the court, not to exceed one hour for each five dollars of fine imposed. In addition to any other punishment authorized by this section, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

SECTION 4. No vehicle may be driven or moved on any public highway for the purpose of transporting solid waste unless the vehicle is securely covered by tarpaulin or constructed in some other suitable manner so as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be

dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in the cleaning or maintenance of the roadway by public authority having jurisdiction.

SECTION 5. Any person operating a vehicle from which glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public road or highway, shall immediately cause the public road or highway to be cleaned of all glass or objects and shall pay any costs for the cleaning thereof.

SECTION 6. The Environmental Control officer for the County shall be responsible for the enforcement of this ordinance as well as the South Carolina Litter Control Act (South Carolina Code of Laws, section 44-67-10 et seq.) the South Carolina Prohibition of Dumping Litter (South Carolina Code of Laws, section (16-11-700) and South Carolina Board of Health Regulations on Storage, Collection, and Transportation of Solid Waste (South Carolina R-61-60) and any subsequent amendments thereto.

SECTION 7. Upon completion of litter law violation investigations in which a suspected violator is identified, the Environmental Control officer or his designee:

1. Shall issue an official notice of violation containing a hearing date before a Marlboro County Magistrate.
2. If the suspected violator does not appear for the hearing, the magistrate shall issue a summons to appear before the magistrate, with appropriate bond set, to be served by an authorized officer of the court;
3. If the suspected violator does not respond to the summons, the environmental services officer shall obtain an arrest warrant for the suspected violator to be served by an authorized officer of the court.

SECTION 8. This ordinance shall become effective upon adoption by County Council.

TORIS T QUICK, CHAIRMAN
MARLBORO COUNTY COUNCIL

(SEAL)

ATTEST:

SHIRLEY R COVINGTON, CLERK
MARLBORO COUNTY COUNCIL

FIRST READING: 1/8/98
SECOND READING: 2/12/98
THIRD READING: 3/5/98

Ordinance # 454

Prohibiting the dumping of litter and other solid waste on public or private property; exceptions; and penalties.

First Reading: 11/14/1996
Second Reading: 12/12/1996
Third Reading: 1-9/1997 3/5/98