



# A G E N D A

## LAW ENFORCEMENT, PUBLIC SAFETY, HEALTH & WELFARE COMMITTEE MEETING

### January 23, 2018

5:00 PM

County Council Chambers, Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC

#### 1. Call to Order

#### 2. Approval of Minutes

- January 9, 2017

#### 3. Discussion Items

*[to include Vote and/or Action on matter brought up for discussion, if required]*

- Discussion regarding Amended Solid Waste Ordinance
- Discussion regarding Amended Litter Control Ordinance
- Consideration of a request to donate property to the County for purposes of relocating the Chickasaw Point Landing Zone for Emergency Services

#### 4. Other Business

*[to include Vote and/or Action on matter brought up for discussion, if required]*

#### 5. Adjourn

*[This agenda is not inclusive of all issues which the Committee may bring up for discussion at this meeting.]*

*Assisted Listening Devices [ALD] are available to accommodate the special needs of citizens attending meetings held in Council Chambers.*

*ALD requests should be made to the Clerk to Council at least 30 minutes prior to the meeting start time.*

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website [www.oconeesc.com/council.html](http://www.oconeesc.com/council.html)  
*[All upcoming meetings will be held in Council Chambers unless otherwise noted]*

## Section 1. PURPOSE

This Chapter authorizes and provides for solid waste management in Oconee County, South Carolina ("County"); establishing powers and duties in connection therewith; establishing standards and requirements for the handling of Solid Waste, as defined herein; providing for the enforcement of these requirements; and imposing penalties for failure to comply with these provisions.

This Chapter is drafted for the benefit of the citizens of the County, both present and future. The County recognizes that a clean, safe, and attractive environment is important to the health and welfare of all County inhabitants.

## Section 2. AUTHORITY

- (a) This Chapter is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code, § 44-96-10 et seq., as well as S.C. Code § 4-9-25, S.C. Code § 4-9-30, S.C. Code § 16-11-700, and other applicable state and federal statutory, decisional, and regulatory law.
- (b) The Director of the Oconee County Solid Waste Department may publish rules and regulations that are in addition, but not contrary, to the provisions of this Chapter. All such rules and regulations must be approved by the County Administrator and shall be maintained in the "Oconee County Solid Waste Operational Manual" or "Operational Manual" which shall be made available to the public at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and which may also be found at <http://www.oconeesc.com/departments/kz/solidwaste.aspx>. The rules and regulations contained in the Operational Manual shall only address administrative matters and not assume any legislative powers, which are expressly reserved to the Oconee County Council. *[Portions highlighted below in gray should be considered for placement in the Operational Manual.]*

## Section 3. JURISDICTION

This Chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise.

## Section 4. DEFINITIONS

- (a) Any term not specifically defined in this section shall be construed pursuant to its plain and ordinary meaning. The word "shall" is always mandatory and not merely discretionary.
- (b) "Bulky Solid Waste" means large items of solid waste such as furniture, large auto parts, and other oversized items whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

- (c) "Collector" means any Person or entity engaged in the business of collecting, transporting, and/or disposing of Solid Waste within the County and which is licensed, or required to be licensed, by the Oconee County Solid Waste Department for such activities.
- (d) "Commercial Solid Waste" means Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing entities or activities, excluding Residential and Industrial Solid Waste.
- (e) "County Council" means the Oconee County Council.
- (f) "County" means Oconee County, South Carolina.
- (g) "DHEC" means the South Carolina Department of Health and Environmental Control, a governmental agency responsible for public health and the environment in the State of South Carolina.
- (h) "Department" means the Oconee County Solid Waste Department.
- (i) "Director" means the Director of the Oconee County Solid Waste Department.
- (j) "Garbage" means all putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (k) "Hazardous Waste" means any waste, or combination of wastes, of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may in the judgment of the Department:
  - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
  - (2) contain (i) any "hazardous substance" as now or hereafter defined in § 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.) ("CERCLA") or any regulations promulgated under CERCLA; (ii) any "hazardous waste" as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) ("RCRA") or regulations promulgated under RCRA; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); (iv) gasoline, diesel fuel, or other petroleum hydrocarbons; (v) polychlorinated biphenyls; or (vi) radon gas.
- (l) "Industrial Waste" means Solid Waste that results from industrial / manufacturing processes including, but not limited to, factories and treatment plants.
- (m) "Litter" means all Solid Waste which is not stored in secure Solid Waste receptacles, meeting standards established herein and by the County Litter Control Ordinance, or which is otherwise not disposed of in a manner provided by law.
- (n) "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (o) "Putrescible Waste" means Solid Waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of creating foul smelling odors and attracting or providing food for animals.

- (p) **“Recyclable Materials”** means those materials which are capable of being recycled which would otherwise be processed or disposed of as Solid Waste.
- (q) **“Recycling”** means any process by which Recyclable Materials are collected, separated, processed, and reused or returned to use in the form of raw materials or products.
- (r) **“Refuse”** means all non-putrescible waste.
- (s) **“Residential Waste”** means Solid Waste generated by a single family residence, excluding Commercial and Industrial Solid Waste.
- (t) **“Single Family Residence”** means premises used for or designated as a single-family residential dwelling, including each dwelling unit contained within a (a) condominium structure; (b) duplex, triplex, etc.; (c) townhouse structure; or (d) mobile home park.
- (u) **“Sludge”** means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (v) **“Solid Waste”** means any Garbage, Refuse, Sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are the application of fertilizer and animal manure during normal agricultural operations and Refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.
- (w) **“Solid Waste Management System”** means all facilities, activities, and actions, including monitoring and regulating, deemed necessary by County Council and executed primarily by the Department to manage Solid Waste, including collection, transportation, treatment, and disposal.
- (x) **“Used Tire Dealer”** means any commercial entity that sells used tires.
- (y) **“Waste Tire”** means a tire that is no longer suitable for its original intended purpose.
- (z) **“Waste Tire Collection Facility”** means a permitted facility or a facility exempted from permit requirement, used for the temporary storage of waste tires.
- (aa) **“Yard Waste”** means Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section 5. THE OCONEE COUNTY SOLID WASTE DEPARTMENT

- (a) The Oconee County Solid Waste Department shall operate the County's Solid Waste Management System, and shall include the employees of the County who manage the disposal, recycling, transfer, transportation, and other operations involved in the management of Solid Waste.
- (b) The Department shall operate under the direction of the Solid Waste Director, who shall report to the County Administrator.

Section 6. COLLECTORS

- (a) Licensing and Fees.
  - (1) All Collectors must obtain and maintain a County license for operation, along with any other required local, state, and federal licenses and decals before collection and disposal of any Solid Waste at an approved County Facility.
  - (2) County license fees for Collectors of the various categories of Solid Waste shall be established by County Council and posted at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and may also be found at [www.oconeesc.com/departments/kz/solidwaste.aspx](http://www.oconeesc.com/departments/kz/solidwaste.aspx).
  - (3) Prior to being licensed to collect and dispose of Solid Waste in the County, each Collector shall have his vehicle(s) inspected and approved by the Director under the provisions of this chapter, as well as any regulation promulgated by the Department.
  - (4) Any Collector of Solid Waste may dispose of such Solid Waste only at the designated and appropriate County Facility, or at such other site as approved by DHEC.
  - (5) Each Collector shall furnish to the Department maps of proposed and/or established routes for which licensure or re-licensure is requested. Such maps shall include the proposed number of residential customers and such other information as deemed necessary by the Department.
  - (6) Each licensed Collector shall be required to attest in writing that it has read this Chapter and all rules and regulations promulgated by the Department and agrees to abide by them. Failure to abide by this Chapter and/or the rules and regulations shall be cause for revocation of a Collector's license. Any licensed Collector who shall discontinue an approved route shall notify the Director of the intention to discontinue such route at least sixty (60) days prior to the date set for discontinuance, except in the event of death, providential disaster, or exception granted by the County Council.
- (b) Collector's Vehicles.
  - (1) All vehicles used to collect, transport, and dispose of Solid Waste in the County must prominently display a decal, which shall be purchased from the Department, indicating the vehicle is licensed to collect waste within the County.
  - (2) Every vehicle used for transportation of Solid Waste shall be equipped with a hauling body which shall be reasonably watertight. The vehicle must also be equipped with a tarp, canvas, or other Department-approved device capable of ensuring no loss of any

collected waste. Failure to comply with either of these requirements constitutes a per se violation of this Chapter.

- (3) Every vehicle used for the collection of Solid Waste shall at all times be kept properly maintained. Every vehicle shall carry a legend on the side wall of the hauling body with a minimum of two-inch lettering, which shall include:
  - a. The name of the Collector;
  - b. The address of the Collector; and,
  - c. The Collector's telephone number.

(c) Collection.

- (1) The Collector shall not dent, bend, punch holes in or otherwise damage the container provided by the individual Solid Waste generator and shall empty, recover, and return the container to the designated collection place.
- (2) Collectors shall be subject to a penalty for depositing mixed Residential and Commercial and/or Industrial Solid Waste at any facility.
- (3) Maintenance, audit, and inspection records required to be maintained by Collectors, shall be promulgated by the Department and maintained in the Operational Manual.
- (4) Hours of Collection
  - a. No Solid Waste shall be collected, taken, moved, or transported from any residential premises except between the hours of eight (8) a.m. and six (6) p.m.
  - b. No regular collection of Solid Waste shall be made from residential premises on any Sunday.

## Section 7. OCONEE COUNTY DISPOSAL FACILITIES

(a) General Provisions.

- (1) The County-owned facilities ("County Facilities") described in this Section may be used for the disposal of Solid Waste by any Person who is an inhabitant of the County. Solid Waste shall be disposed of at the appropriate County Facility, as outlined below, and in a manner consistent with all procedures published by the Department. The Director or his designee shall have the authority to require proof of proper Solid Waste disposal methods from businesses and commercial establishments.
- (2) All County Facilities shall be under the supervision of the Director, in accordance with the rules and regulations published by the Department and DHEC, along with the ordinances of the County Council.
- (3) It shall be unlawful for any Person to loiter or trespass at any County Facility, or to come thereon except for the transaction of business during normal operating hours. No Person shall scatter, probe through, scavenge, interfere with, or disturb Solid Waste or any other item located at any County Facility.
- (4) Depositing Solid Waste in undesignated or inappropriate areas at, or around, any County Facility is strictly prohibited.

- (5) The use of County-owned equipment, in any manner, to remove or otherwise handle Solid Waste from a vehicle that is not County-owned or by a Person that is not an employee of the County, is strictly prohibited.
- (6) No burning item, flammable solution, explosive, hot ash, or similar item shall be placed in, around, or near any of the equipment provided for Solid Waste collection and/or storage.
- (7) Sewage solids or liquids, septic tank waste; unstable, flammable, or inflammatory substances; animals or carcasses; hazardous or potentially hazardous substances; or any solid deemed inappropriate by the Director or designee may not be disposed at any County Facility.
- (8) Materials that are suitable for mulching shall only be disposed of at the County Mulching Yard. All customers will be charged the current landfill tipping fee for mixed loads.
- (9) All loads are subject to inspection by the Department. No unacceptable Solid Waste shall be unloaded at a County Facility. Any unacceptable Solid Waste unloaded at a County Facility shall be considered litter and shall be removed at the owner's expense. Such owner may be subject to other fees and penalties set forth in this Chapter and/or the County's Litter Control Ordinance.
- (10) All patrons of County Facilities must exit the facilities prior to the posted closing times.
- (11) Pets, of any nature, are prohibited from entering any County Facility. Service animals are not considered pets.

**(b) Construction and Demolition Landfill.**

- (1) This facility receives only such Solid Waste as is listed in S.C. Code Ann. Regs. 61-107.19 Appendix I "Acceptable Waste for Class Two Landfills." Acceptable wastes may be generated by construction, demolition, land-clearing, industrial, and/or manufacturing activities, and/or obtained from segregated Commercial Solid Waste. Any materials listed in Appendix I that have been contaminated by any hazardous constituent listed in the S.C. Hazardous Waste Management Regulations 61-79.261, or petroleum products, are prohibited from disposal at this facility.
- (2) Signs shall be posted at all entrance roads to the County landfills clearly specifying the days and hours of operation. Oconee County staff shall be at landfills during operating hours to supervise unloading operations.
- (3) All contaminated loads (meaning, loads mixed with any form of Solid Waste that is not listed as an "Acceptable Waste for Class Two Landfills," as defined above, will be turned away and directed to the Oconee County Transfer Station or elsewhere, as appropriate, where applicable fees will be charged.

- (4) All materials which shall require special handling, including but not limited to asbestos, may not be mixed with other waste and are subject to separate fees as set forth in the County's annual budget.
- (5) All vehicles must weigh in for processing of Solid Waste and fees. Fees will be waived for any waste processed as a clean recyclable.

**(c) Solid Waste Complex-Transfer Station.**

- (1) This facility is a combination of structures, machinery, and devices where Solid Waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another Solid Waste management facility.
- (2) All vehicles must weigh in for processing of Solid Waste and fees. Fees will be waived for any waste processed as a clean recyclable.
- (3) This facility generally accepts the following types of Solid Waste: Bulky Solid Waste, Commercial Solid Waste, Industrial Solid Waste, and Residential Solid Waste. Notwithstanding the foregoing, the Director or his designee may refuse to accept certain generally acceptable Solid Wastes if the Solid Waste cannot be properly processed through the Transfer Station. Mixed loads may be accepted with the approval of the Director or his designee.
- (4) The acceptance of Sludge will be evaluated on a case by case basis. Extremely wet Sludge will not be accepted.

**(d) Mulching Yard.**

- (1) This County Facility receives only such Solid Waste as is listed in the Appendix to S.C. Code Ann. Regs. 61-107.4 "Feedstock Category One." Acceptable materials include yard trimmings, leaves, grass clippings, woodchips and sawdust from untreated wood, agricultural crop field residuals, and similar materials deemed acceptable by the Department. All such acceptable materials must be separated from other waste prior to delivery to the Mulching Yard.
- (2) "Feedstock" means source separated, recovered organic material approved by the Department and/or listed in the Appendix to R.107.4 to be used in the production of mulch.
- (3) "Mulch" means the organic, non-composted product rendered by grinding Category One feedstocks.
- (4) Material must be free of bags, root balls, cross ties, dirt, rocks, pallets, and other construction debris. Bags brought to this facility containing vegetation and leaves shall be emptied and taken to an appropriate disposal facility.
- (5) All material appropriate for the Mulching Yard will be accepted at no charge.

**(e) Recycling and Convenience Centers.**



- (1) The primary purpose of the County's Recycling and Convenience Centers is for County residents to have a clean and safe environment to dispose of appropriate Residential Solid Waste and Recyclable Materials.
  - (2) Only Residential Solid Waste generated within the County shall be disposed of at a Recycling and Convenience Center. Waste tires are not accepted at County Recycling and Convenience Centers but must be disposed of at the County Transfer Station.
  - (3) Recycling and Convenience Centers are not for use by any commercial enterprise or commercial activity.
  - (4) Collectors are prohibited from depositing their customers' Solid Waste at a Recycling and Convenience Center.
  - (5) Disposal containers located at these facilities shall be used only for the disposal of Residential Solid Waste. Large loads of Residential Solid Waste (greater than five hundred (500) pounds) must be taken directly to the County Transfer Station where applicable fees will be applied.
  - (6) All Residential Solid Waste and Recyclable Materials must be placed wholly inside the appropriate container or stationary compactor unless directed otherwise by a Department representative.
  - (7) Recyclable Materials must be clean (free of food, liquids, dirt, mud, etc.), separated by type, and placed in the appropriate (designated) receptacle.
  - (8) It is the responsibility of all Recycling and Convenience Center users to unload their vehicles and to properly dispose of their Residential Solid Waste and/or Recyclable Materials at the facility.
  - (9) All cardboard deposited at a Recycling and Convenience Center shall be recycled. *[Or, "All items capable of being recycled, as designated by the Department, shall be deposited in the appropriate (designated) recycling receptacle, as opposed to being discarded as Residential Solid Waste."]*
- (f) Disposal Site Fees.
- (1) Fee schedules for the disposal of Solid Waste at County Facilities will be established by the County's annual budget, published in the Department's Operational Manual, and posted at the respective facilities.
  - (2) All fee changes shall be implemented by August 1st after adoption of the County's annual budget. A minimum of thirty (30) days shall be given before implementing any fee schedule change if fees are changed at any other time during the County's fiscal year (July 1 to June 30).
  - (3) Nonprofit organizations may request a waiver of fees for construction and demolition debris by submitting a waiver request form to the Director. Waivers will be granted on a case-by-case basis in the best interest of the County. Any waiver denied by the Director may be submitted to the County Administrator for review.

**Section 8. PRIVATELY OWNED SOLID WASTE PROCESSING AND RECYCLING FACILITIES**

**(a) Permitting.**

- (1) It is a violation of this Chapter for any Person to establish, operate, and/or maintain a Solid Waste processing or recycling facility without first being licensed to do so by the County, as well as by municipal, state, and federal agencies, as necessary. Such operations and facilities include, but are not limited to:**
  - a. On-site processing of Solid Waste, including Recyclable Materials;**
  - b. Solid Waste landfills; and**
  - c. Mining operations that include a Solid Waste landfill, Yard Trash, and/or construction and demolition landfill as a part of a reclamation plan.**
- (2) In order to apply for a Solid Waste processing or recycling facility license, an application which includes the following information must be submitted to the Department:**
  - a. A Site-Plot Plan, including and identifying the following:**
    - 1. Name and address of the facility, property owner, and the facility operator;**
    - 2. City and/or township boundaries;**
    - 3. North arrow, section line, section number;**
    - 4. Waters of the state, floodplains, and floodways;**
    - 5. A description of all land use and zoning within a one thousand (1,000') foot radius of the property lines;**
    - 6. Adjacent residences and property ownership;**
    - 7. Roads and railroads;**
    - 8. Easements and utilities; and**
    - 9. Location, size, and ownership of the land upon which the facility will operate.**
  - b. An Engineering Plan, including and identifying the following:**
    - 1. Roads, screenings, fencing, gates, dimensions of buildings, storage areas, loading areas, loading and unloading zones, and the location of existing and proposed utilities;**
    - 2. Landscapes and grading plans;**
    - 3. Dikes, berms, walls, dividers; and**
    - 4. The Department may request a report on the subsurface conditions at the proposed facility. The Department may request data that is adequate to indicate suitable soils, geological, and ground water information at the site. The applicant must detail the above information in cross section with the location indicated on the site plan.**
  - c. An Operational Plan, including and identifying the following:**

1. A description of the Solid Waste and/or Recyclable Materials to be collected, stored, and/or processed at the facility;
  2. A description of the process for weighing and/or measuring the Solid Waste and/or Recyclable Materials accepted and processed at the facility including residuals and by-pass waste;
  3. A description of all processing equipment to be used, including the design and anticipated performance. This description must outline the flow of Solid Waste and/or Recyclable Materials through the processing equipment and the facility in general;
  4. A description of the handling, storage, and disposal methods to be used for unmarketable Recyclable Materials and residuals;
  5. The procedures for facility start-up and scheduled and unscheduled shut down operations;
  6. A description of potential safety hazards and methods of control including, but not limited to, fire and smoke detection, air monitoring, fire control devices, ventilation, and exhaust control systems;
  7. A contingency action plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury, or other emergency situations at the facility;
  8. A description of worker protection, training, and safety equipment to be employed on-site; and
  9. A description of cleaning procedures to be employed at the facility.
- d. A bond covering potential default fees must be filed and accepted. The nature of the surety and bonding procedures shall be determined by the Director and County Council.
- e. Any additional information that the County deems necessary for a comprehensive review of the applicant's project.
- f. Application for and/or receipt of the license required under this section does not negate the need for the applicant to obtain any other approvals or permits required by other governmental entities, including other County departments.
- (b) Operational Requirements.
- (1) All Solid Waste processing or recycling facilities are subject to ongoing oversight by the Department of all operations.
  - (2) The following shall be established and maintained at each facility:
    - a. A sign, in a form approved by the Department, shall be posted on the premises indicating the facility name, the schedule of days and hours of operation, and prices for public use;
    - b. Roads, parking, and working areas on the premises shall be all-weather surfaced. The premises shall be constructed, screened, and landscaped in such a manner as to be aesthetically pleasing in appearance;

- c. Appropriate access control, including necessary gates and fencing, shall be provided;
  - d. Adequate sanitary facilities and shelter for personnel shall be provided;
  - e. All Solid Waste and/or Recyclable material storage, processing, and tipping areas must include fire detection and protection equipment;
  - f. Adequate storage capacity is required at the facility for all Solid Waste and/or Recyclable Materials delivered and for those processed materials that will be stored prior to removal from the facility;
  - g. Outside storage of Solid Waste must be covered with a water impermeable tarp and tagged to identify the time and date of delivery, route number, and driver;
  - h. Loads containing putrescible waste may not remain on-site for more than forty-eight (48) hours;
  - i. Solid Waste and/or Recyclable Materials passing through the facility must be recycled, disposed, or stored in such a manner that the facility's operations meet all applicable federal, state, and local requirements; and
  - j. Processing, treatment, sorting, and tipping areas at facilities that accept putrescible material must be located within an enclosed building or covered area.
- (3) Upon rejection of unacceptable waste, the licensee shall notify the Department, in the day of delivery of the unacceptable waste, by facsimile or electronic mail, a description of the rejected waste, quantity of the rejected waste, the name and address of the hauler, the reason for rejection, and disposition of the waste.
- (4) Records, in a format approved by the Department, shall be maintained for ten (10) years and shall be accessible to the Department. These records shall include:
- a. The total number of Solid Waste/Recyclable Materials accepted;
  - b. General type or types of Solid Waste/Recyclable Materials accepted, passed through, or rejected;
  - c. Origin(s) of Solid Waste/Recyclable Materials accepted;
  - d. The date and time of delivery; and
  - e. The hauler(s) that delivered Solid Waste/Recyclable Materials to the facility;
- (5) The licensee or operator of the facility shall be responsible for compliance with the following requirements:
- a. Implementation of an inventory system and segregation procedure adequate to enable identification of the types(s), origin(s), and destination(s) of Solid Waste/Recyclable Materials in storage at all times;
  - b. Establishment of procedures and precautions to control nuisance conditions including Litter, dust, and odors;
  - c. Each quarter, the licensee shall submit a report to the Department on a form prescribed by the Department. The quarterly report shall be due on the last day of the month following the end of each quarter and include the following information for each of the three preceding months:

1. Monthly totals of cubic yards or, if the facility is equipped with an approved weighing scale, tons of Solid Waste and/or Recyclable Materials received;
2. Number of incoming loads accepted at the facility;
3. Origin of waste accepted at the facility;
4. Number of loads and weight or volume of outgoing and rejected waste, type of outgoing and rejected waste, and the destination of the outgoing waste; and
5. Other information as determined from time to time by the Department to be necessary for compliance with this Chapter.

**Section 9. USED AND WASTE TIRES**

- (a) All Persons shall adhere to laws and regulations set forth by DHEC Regulation 61-107.3. Solid Waste Management: Waste Tires.
- (b) It shall be unlawful for any Person to store, dump, discard, or abandon Waste Tires without either being registered with DHEC or meeting the exemptions set forth in the above mentioned DHEC regulations.
- (c) All Waste Tires generated, transported to, or stored in the County must be delivered to a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
- (d) All illegal and unregistered Waste Tire dump sites are subject to the procedures and penalties of the Litter Control Ordinance of Oconee County, as well as all applicable local, state, and federal laws.
- (e) Used Tire Dealer.
  - (1) Any individual or commercial entity that sells, removes, replaces, and/or repairs used tires shall be required to:
    - a. Register as a used tire dealer with the Department;
    - b. Purchase a license annually;
    - c. Record sales and retain disposal receipts of all tires processed; and
    - d. Dispose of all Waste Tires at a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
  - (2) Used tire retailers must keep receipts and records of tires sold and disposed of in the County. These records must be kept for a minimum of three (3) years and made available upon request.
  - (3) Used tires for resale must be stacked orderly either in rows or on racks for easy inspection and kept so the tires do not create a mosquito habitat or other environmental hazard.
- (f) Waste Tire Fees.
  - (1) Anyone disposing of Waste Tires at the Solid Waste Complex-Transfer Station shall be required to pay the appropriate fees set forth by the County's annual budget.
  - (2) The Waste Tire fee shall apply to all Waste Tires, including heavy equipment tires and oversized tires that have a diameter greater than the largest tire with a U.S. Department of Transportation number. Fleets are required to provide documentation

for proof-of-purchase on instate tires. The disposal fee applies to all tires for which no state tire disposal fee has been paid.

- (3) Any dealer who brings Waste Tires to the Oconee County Solid Waste Complex – Transfer Station will be required to pay the appropriate fees, unless the adequate paperwork (SC DOR Solid Waste Excise Tax Return Form ST-390 including proof of payment) is provided.
- (4) County residents are exempt from Waste Tire fees for small tires from lawn and garden equipment and bicycles. Waste Tire fees will apply to any commercial entity that disposes of these same items.

#### **Section 10. MISCELLANEOUS PROVISIONS**

##### **(a) Solid Waste Containers.**

- (1) Solid Waste shall be stored in Solid Waste containers, which are watertight, vector-resistant, durable, easily cleanable, and designed for safe handling.
  - (2) Except when the containers are set out for collection, the Solid Waste generator shall keep and maintain all Solid Waste containers within the side or rear yard of the premises where the Solid Waste is generated.
  - (3) No Person shall place any Solid Waste container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
  - (4) The Solid Waste generator shall not cause or permit any Solid Waste container to be filled in any manner which causes Solid Waste to overflow from the container.
- (b) Out-of-County Waste: Solid Waste generated outside of the boundaries of the County must be designated and documented with the Department.

#### **Section 11. PENALTIES AND FINES**

A Person violating the provisions of this Chapter may be guilty of a misdemeanor and subject to a fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted a magistrate in the County under South Carolina law. In addition, a magistrate court may award appropriate restitution.

## **LITTER CONTROL**

### **Section 1. NAME**

This Article shall be known as the "Litter Control Ordinance of Oconee County, South Carolina."

### **Section 2. PURPOSE**

It is the purpose of this Article to establish standards for the control of Litter in the unincorporated areas of Oconee County ("County"), to establish penalties as are necessary to discourage violations of these standards, and to provide for the recovery of costs incurred by the County in enforcing the provisions contained herein.

### **Section 3. AUTHORITY**

This Article is adopted pursuant to the provisions of S.C. Code §§ 4-9-25 and 4-9-30 and as authorized by any other applicable local, state, and federal law.

### **Section 4. DEFINITIONS**

For purposes of this Article the following definitions apply:

"Enforcement Officer" means a duly authorized law enforcement officer of Oconee County, including but not limited to, all law enforcement officers and deputies employed by the Oconee County Sheriff's Department and designated code enforcement officers employed by the County.

"Litter" means all Solid Waste, including cigarettes and cigarette filters, which is not stored in secure Solid Waste Receptacles or which is otherwise not held or disposed of in a manner consistent with local, state, or federal law.

"Littering" means the act of dumping, throwing, dropping, depositing, discarding, placing, or in any way disposing of Litter upon public or private property within the jurisdictional boundaries of Oconee County. Littering includes the act of "open dumping" which is defined as the disposal of Solid Waste at an unpermitted site and/or which creates an environmental hazard, is susceptible to open burning, vectors, scavengers, or which otherwise creates a hazardous condition.

"Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

"Recyclable Materials" means those materials which are capable of being recycled, which would otherwise be processed or disposed of as Solid Waste.

"Recycling" means any process by which Recyclable Materials are collected, separated, processed, and reused or returned to use in the form of raw materials or products.

“Solid Waste” means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities.

“Solid Waste Receptacle” means all containers, boxes, barrels, and other devices that allow for the sanitary, safe, secure, and orderly temporary storage of Solid Waste.

“State” means the State of South Carolina.

## **SECTION 5. APPLICATION – PROHIBITION OF LITTER**

- 1) Littering, as defined in this Article, is strictly prohibited within the geographic boundaries of the County.
- 2) The provisions and prohibitions of this Article apply to depositing Solid Waste or Recyclable Materials at or around any County Solid Waste facility (“Facility”) in an area not specified for the deposited materials, including but not limited to, leaving materials outside the fence of a Facility, tossing materials over the fence of a Facility, dumping materials not suitable for mulch at the County Mulching Yard, or dumping materials suitable for the Mulching Yard at another Facility.
- 3) The provisions of this Article do not apply to the dumping on private property with the owner’s permission of sand, dirt, broken bricks, concrete blocks or broken concrete, pavement, or other suitable materials which do not create a nuisance or health hazard, provided such dumping is otherwise consistent with local, state, and federal laws, and further provided that such materials are not mixed with any other type of material. Open dumping is, however, prohibited.
- 4) The responsibility for the removal of Litter from a property shall be upon the person responsible for Littering the property. If, however, the person responsible for Littering the property is unknown or there is no conviction of a person for the violation in question, then the owner of the property shall be responsible for removing the Litter.
- 5) In the event Litter is moved by wind or other force of nature from one property onto another property, the owner of the property of origin shall be held responsible for clean-up and removal.
- 6) If any Litter can be identified as having last belonged to, or been in the possession of, any person prior to its being disposed of as prohibited herein, such identification shall be prima facie evidence that such person Littered in violation of this Article.
- 7) Whenever Litter is thrown, placed, deposited, dropped, dumped, or cast from any motor vehicle, boat, airplane, or other conveyance containing more than one person, the operator of the conveyance shall be presumed to have violated this Article.
- 8) Persons placing Solid Waste in Solid Waste Receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements or by animals upon any public or private property. Solid Waste Receptacles shall not be placed or positioned in a manner which may constitute a public nuisance or obstruction.
- 9) No person shall drive or move any vehicle, including a trailer, within the County that has been loaded with Solid Waste unless such Solid Waste is covered or otherwise securely loaded in such a manner as to prevent Littering, including leakage or spillage.



- 10) Property owners determined by the magistrate's court, or court of competent jurisdiction, to be liable for removal of Litter may request the court's referral to the County Litter Mitigation Committee for financial assistance from the County "Litter Mitigation Fund," created in Section 7 of this Article.
- 11) As provided by and consistent with local, state, and federal law, proof of proper Solid Waste disposal methods may be required from all persons.

**SECTION 6. ABANDONED OR INOPERABLE VEHICLES – Reserved.**

**SECTION 7. LITTER MITIGATION FUND – Reserved.**

**SECTION 8. ENFORCEMENT, PENALTIES, AND FINES**

**1) ENFORCEMENT.**

- a) Enforcement of the provisions of this Article shall be carried out by duly authorized code enforcement or law enforcement officers, including but not limited to, all law enforcement officers and deputies employed by the Oconee County Sheriff's Office and designated code enforcement officers employed by the County. These Enforcement Officers shall be authorized, consistent with their respective statutory powers, to:
  - i) Cause the inspection of any public or private property within the unincorporated limits of the County whenever it shall be necessary to enforce the provisions of this Article.
  - ii) Issue a uniform summons to any person violating the provisions of this Article in their presence.
  - iii) Serve written notice on the owner of a property containing Litter, requiring abatement or removal of the Litter within fifteen (15) calendar days.
- b) Any property owner refusing or neglecting to abate or remove Litter from property within fifteen (15) calendar days of receiving a written notice from an Enforcement Officer shall be served with a uniform summons and shall be subject to prosecution in accordance with Section 8.2, below. In addition, the Enforcement Officer may cause the removal or abatement of such Litter, with all expenses, including administrative expenses, incurred in abating or removing such Litter recoverable from the owner of the property from which the Litter is removed or abated, or from any person causing or maintaining the same, in the manner as debts or like amounts are now recoverable by law.

**2) PENALTIES AND FINES.**

Any person violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred and 00/100 (\$100.00) Dollars nor more than Five Hundred and 00/100 (\$500.00) for each offense plus court costs (or thirty (30) days in jail, or both). As punishment, the court may also direct Litter remediation or gathering labor as appropriate under the supervision of the court. In addition, the court may order any person violating the provisions of this Article to pay restitution to the County or to the victims for the costs of removing or abating such Litter. [REDACTED] ( [REDACTED] %) percent of the fines collected by the County pursuant to this Article shall be remitted to the Oconee County Sheriff's Office to help defray the cost of enforcing this Article. The magistrate's court shall have jurisdiction to enforce this Article.

**Oconee County  
Council**

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864-718-1023  
Fax: 864-710-1024

E-mail:  
[ksmith@oconeesc.com](mailto:ksmith@oconeesc.com)

Edda Cammick  
District I

Wayne McCall  
District II

Paul Cain  
District III

Julian Davis  
District IV

J. Glenn Hart  
District V



.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE  
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The Oconee County Council will meet in 2018 on the first and the third Tuesday of each month [excluding July & August which will meet only on the third Tuesday of the month; April will meet on the second and fourth Tuesday; AND an additional meeting will be held in September] at 6:00 p.m. in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

Oconee County Council will also hold a Planning Retreat in February 2018 [TBD] in Council Chambers to establish short and long term goals.

Additionally, Council will meet on January 8, 2019 at 6:00 p.m. in Council Chambers at which point they will establish their 2019 council and committee meeting schedules.

Additional Council meetings, workshops and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2018 on the following dates/times in Council Chambers, 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health & Welfare [LEPSHW] Committee AND the Transportation Committee at 5:30 p.m. on the following dates: January 9, April 17, July 10 and October 9, 2018. **Additionally, the LEPSHW will meet on January 23, 2018 at 5:00 p.m.**

The Real Estate, Facilities & Land Management Committee AND the Budget, Finance & Administration Committee at 5:30 p.m. on the following dates: February 13, May 8, August 14 and November 13, 2018.

The Planning & Economic Development Committee at 5:00 p.m. prior to the Council meeting on the following dates: March 6, June 5, September 4 and December 4, 2018.

**Katie Smith**

---

**From:** Katie Smith  
**Sent:** Monday, January 22, 2018 12:23 PM  
**To:** "classadmgr@upstatetoday.com"  
**Subject:** RE: Classified Ad# 23942 Confirmation

Yes, looks good. Thanks!

Katie

Katie D. Smith  
Clerk to Council  
Oconee County  
415 S. Pine St. Walhalla  
864.718.1023  
Fx. 864.718.1024  
[ksmith@oconeesc.com](mailto:ksmith@oconeesc.com)

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**From:** [classadmgr@upstatetoday.com](mailto:classadmgr@upstatetoday.com) [<mailto:classadmgr@upstatetoday.com>]  
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Please let me know asap if you approve this ad to run tomorrow. Thank you! Kelsie Beebe

# THE JOURNAL

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Date:01/22/2018**

**Salesperson: KBEEBE      Classification: Legals      Ad Size: 1.0 x 0.70**

**Advertisement Information:**

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**Comments: OCONEE COUNTY COUNCIL PUBLIC MEETING CANCELLED**

**Attention: Please return the top portion of this invoice with your payment including account and ad number.**

**Ad Copy**

**THE LAW ENFORCEMENT,  
Public Safety, Health &  
Welfare meeting scheduled  
for 5p.m., Tuesday,  
January 23, 2018 has been  
cancelled.**

**Katie Smith**

---

**From:** Katie Smith  
**Sent:** Monday, January 22, 2018 4:38 PM  
**To:** dickmangrum@gacaradio.com; ncannada@upstatetoday.com; newstips@wyff4.com  
**Subject:** Legal Ad Request

**Please run this at your earliest convenience.**

“The Law Enforcement, Public Safety, Health & Welfare Committee meeting scheduled for 5p.m., Tuesday, January 23, 2018 has been cancelled.”

**Please confirm receipt of this email by way of reply.**

Thank you!

Best Regards,  
Katie

Katie D. Smith  
Clerk to Council  
Oconee County  
415 S. Pine St. Walhalla  
864.718.1023  
Fx. 864.718.1024  
[ksmith@oconeesc.com](mailto:ksmith@oconeesc.com)

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**LEGALS**

THE LAW ENFORCEMENT,  
 Public Safety, Health &  
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 for 5p.m., Tuesday,  
 January 23, 2018 has been  
 cancelled.

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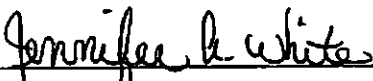
**OCONEE COUNTY COUNCIL**

**IN RE: OCONEE COUNTY COUNCIL PUBLIC MEETING CANCELLED**

**BEFORE ME** the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in Oconee County, Pickens County and the Pendleton area of Anderson County and the notice (of which the annexed is a true copy) was inserted in said papers on 01/23/2018 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

  
\_\_\_\_\_  
Hal Welch  
General Manager

Subscribed and sworn to before me this  
01/23/2018

  
\_\_\_\_\_  
Jennifer A. White  
Notary Public  
State of South Carolina  
My Commission Expires July 1, 2024

**JENNIFER A WHITE  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires July 1, 2024**