

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

ORDINANCE NO. 1-13-9

**AN ORDINANCE PROVIDING FOR THE CONTROL OF LITTER WITHIN
BAMBERG COUNTY AND PROVIDING PROCEDURES FOR ENFORCEMENT AND
PENALTIES FOR VIOLATION AND OTHER ASPECTS THEREOF.**

WHEREAS:

Bamberg County Council has determined that litter on public and private property, including rights of way and waterways, within the County is a source of environmental degradation and blight, and may constitute a public safety hazard, and;

**NOW THEREFORE BE IT ORDAINED BY THE BAMBERG COUNTY COUNCIL
DULY ASSEMBLED THAT:**

SECTION 1. - NAME

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

SECTION 2. - PURPOSE

The purpose of this Ordinance is to set standards and regulations for the control of litter in Bamberg County. The control of litter will have a positive and lasting effect upon the county's environment and appearance. The goal of this Ordinance is the general upkeep of the community for the health, safety, and welfare of its citizens. Transporting loose materials, illegal dumping, unlawful disposal, nuisances, weeds and debris and the accumulation of vines, limbs, stumps, and brush shall not be allowed on any public or private property within the boundaries of the county by any person or persons.

SECTION 3. - AUTHORITY

This Ordinance is adopted pursuant to the provisions of S.C. Code 1976 §4-9-30. Personnel employed by the County Administrator as Code Enforcement Officers and personnel employed by the Sheriff of Bamberg County shall be vested with the authority to enforce and administer litter control within the county in accordance with the provisions of S.C. Code 1976 § 44-67-10

et. seq. and all rules and regulations adopted thereunder and the same are incorporated herein by reference as if fully set forth verbatim and as may be amended from time to time.

SECTION 4. - DEFINITIONS

For the purpose of this article the following definitions shall apply:

Disposal package or container. All packages or containers defined as such by rules and regulations adopted by the State Department of Health and Environmental Control or Bamberg County.

Litter. All waste materials that are not secured or not in a disposal package or container, including, but not limited to, cigarettes and cigarette filters, trash, limbs, brush, vines, stumps, brush, garbage, refuse, construction and demolition materials, tires, batteries, appliances, furniture, liquid or granular substances, hazardous materials, machinery, abandoned vehicles, and abandoned mobile homes. Unsolicited newspapers and/or advertisements shall be considered litter for purposes of this Ordinance if a person upon whose property an unsolicited newspaper and/or advertisement is placed has notified the publisher and/or distributor of said newspaper or advertisement in writing of owner's desire not to receive said newspaper or advertisement.

Litter receptacle. Those containers which are suitable and safe for the disposing of litter.

Owner. The term "owner" includes any person owning or having title, possession or control over real property, including but not limited to, landholders, landlords, tenants, proprietor, and business operators.

Person. An individual, partnership, company, contractor, subcontractor, developer, cooperatives, corporation, firm, landlord, tenant, proprietor, owner, political subdivision, sub-development, state or county agency, trust, estate, joint venture or any other legal entity or its legal representative, agent or assigns.

SECTION 5. - APPLICATION

(a) No person shall dump, throw, drop, deposit, discard, place or in any way dispose of litter, hazardous material or other liquid, granular or solid waste upon any public or private property in the county or in the waters of the county whether from a vehicle or otherwise, including but not limited to, any highway, park, beach, campground, forest land, recreational area, trailer park, road, street or alley except:

(1) When such property is designated by Bamberg County and/or the State of South Carolina for the disposal of litter and other solid waste and such person is authorized to use such property for that such purpose;

(2) When placing material into an approved litter receptacle in such a manner that the litter will be prevented from being carried away, scattered or deposited by the elements upon any part of such private or public property or waters.

(b) The responsibility for the removal of litter from property shall be upon the person responsible for littering the property. However, if the person responsible for littering the property is unknown or has not been charged with littering by a law enforcement officer, then the owner of the property shall be responsible for the removal of litter from such property in accordance with Section 7(e) below.; and in such cases, the court may consider the financial or physical ability of the property owner to remove said litter, but the burden is on the property owner to prove same.

(c) Where litter has traveled through forces of nature onto property of another, the owner of the property of origin of the litter is responsible for the removal of litter from the property wherever the forces of nature carry or spread the litter. (d) The driver of any vehicle shall be held in violation of this article in the event it cannot be determined which occupant of the vehicle committed any acts in violation of this section.

(e) It shall be unlawful for any person, firm, corporation, institution, organization, contractor or subcontractor to transport any loose materials by truck, trailer or other motor vehicles within the corporate limits of the county unless said material is covered or secured in such a manner as to prevent litter, leakage or spillage on public and private property. Lack of adequate covering or securing of material while the loaded truck, trailer or other motor vehicle is in motion shall constitute a violation of this section.

SECTION 6. - PENALTIES AND FINES

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$500.00 for each offense plus court costs (or thirty (30) days in jail, or both). As punishment, the court may also direct litter 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. The Magistrate's Court shall have jurisdiction to enforce this Ordinance.

SECTION 7. - ENFORCEMENT

(a) The provisions of this article shall be enforced by the duly authorized law enforcement officers of the county, including but not limited to, all law enforcement officers and deputies employed by the sheriff's department, and by designated code enforcement officers employed by the County Administrator.

(b) The county law enforcement officers and county code enforcement officers shall be authorized and required to cause the inspection of any public or private property within the limits of the county whenever it shall be necessary to enforce the provisions of this article.

(c) Any person violating the provisions of this article in the presence of the law enforcement officer shall be issued a uniform summons for the offense.

(d) Whenever it appears to the county law enforcement officer or county code enforcement officer that property lying within the county limits contains litter as defined by this Ordinance, the law enforcement officer shall serve written notice on the owner of the property requiring the owner to abate or remove the litter within 15 days.

(e) Any property owner who refuses or neglects to abate or remove litter from property after receiving 15 days written notice shall be served with a uniform summons and shall be subject to prosecution in accordance with Section 6, above. In addition, the law enforcement officer, or code enforcement officer may also cause the removal or abatement of such litter, and all expenses incurred in so abating or removing such litter may be 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 same manner as debts of like amounts are now recoverable by law.

(f) Any person who is harmed or sustains damages arising out of a violation of this article shall be entitled to recover in a civil action threefold the actual damages from the person violating this article, plus court costs and reasonable attorney's fees.

SECTION 8. - SEVERABILITY

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9 - REPEAL

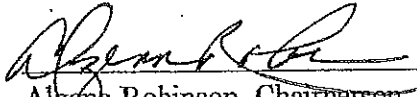
Any existing ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

SECTION 10 – EFFECTIVE DATE

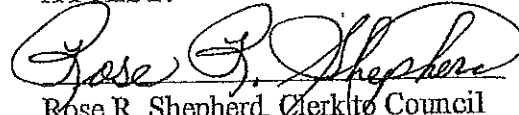
This Ordinance shall take effect immediately upon third and final reading and adoption.

ADOPTED THIS 2nd DAY OF December, 2013.

BAMBERG COUNTY COUNCIL


Alxena Robinson, Chairperson

ATTEST:


Rose R. Shepherd, Clerk to Council

Approved as to form and content:


Richard Ness, County Attorney

Favor: All
Against: 0
Abstain: 0

1st Reading: October 7, 2013
2nd Reading: November 11, 2013
3rd Reading: December 2, 2013