

CITY OF HAMPTON, GEORGIA

ORDINANCE NO. 82

**TO PROHIBIT THE STORAGE OR BURIAL OF CERTAIN MATERIALS
UPON PROPERTY LOCATED WITHIN THE CITY; TO PROVIDE FOR
PENALTIES FOR THE VIOLATION OF THIS ORDINANCE
AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, in the exercise of their sound judgment and discretion, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, have determined that it is in the best interest of the citizens of the City of Hampton that an ordinance be adopted which prohibits the accumulation and burying of certain materials including but not limited to, garbage, junk, refuse, trash, debris, building materials, hazardous waste, or any other waste on, under or about any property located within the City;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF, AS FOLLOWS:

ARTICLE I - DEFINITIONS.

"Garbage" as defined and used in this ordinance shall mean organic waste matter, both animal and vegetable, which chiefly comprises waste food and household garbage.

"Junk" as defined and used in this ordinance shall mean any used article of commerce which is composed principally of iron, steel, brass, copper, zinc, or their alloys, or any other base metals, whether enameled or not; unusable vehicles, vehicle parts, tires, furniture, refrigerators or other household appliances of any description.

"Refuse" as defined and used in this ordinance shall mean ashes, tin cans, dirty rags, house sweepings, paper, paper products, shavings, bottles and other rubbish.

"Trash" as defined and used in this ordinance shall mean trees, tree stumps, limbs, branches, prunings, and other such matter.

"Debris" as defined and used in this ordinance shall mean wood, plywood, concrete, roofing materials, pipes, plumbing or electrical fixtures and wires, or any other building materials used for construction of any residential, commercial or industrial building.

"Hazardous Waste" as defined and used in this ordinance shall mean all hazardous and toxic substances, wastes or materials, any pollutants or contaminants as defined by federal, state or local environmental conservation or protection laws, including, without limitation, asbestos containing materials, lead, motor fuels, and

all petroleum based products and by-products, or other similar substances or materials.

"Person" as defined and used in this ordinance shall mean any individual, any partnership, any members of the partnership, any corporation, any officers, directors and employees of the corporation, or other legal entity.

"Owner" as defined and used in this ordinance shall mean any person as defined above.

ARTICLE II - STORAGE/BURIAL OF CERTAIN MATERIALS PROHOBITED.

It shall be unlawful for any person to store or bury any garbage, junk, refuse, trash, debris or hazardous waste upon any residentially zoned property within the City. It shall be unlawful for any person to store or bury any garbage, junk, refuse, trash, debris, or hazardous waste upon any commercial or industrial zoned property within the City unless specifically authorized by the zoning ordinances of the City.

ARTICLE III - INSPECTION OF PREMISES.

The City Superintendent, City employees or any designated agent of the City may enter upon and inspect any and all public and private property in the City to determine by inspection that those properties are or are not free of any condition which may be in violation of this ordinance.

ARTICLE IV - NOTICE OF VIOLATION.

Upon the determination through inspection that any property within the city is in violation of the provisions of this ordinance, the City Superintendent or his duly authorized agent shall give written notice to the owner or agent of the owner of the property of the condition found. Such notice shall set forth the condition of the property, the specific violation of this ordinance, and the remedial action to be taken. The notice to the owner or agent shall include a time certain in which the violation is to be abated, but in no case more than ten (10) days from the date of receipt of the notice by the owner or agent. All notices shall be sent by personal service or sent by registered or certified mail, return receipt requested, to the last known address of the owner or agent.

Upon failure of the owner or person to abate the violation cited within the time set forth in the notice, the property owner or person shall be cited for violation(s) of this ordinance; and the citation shall be processed through the Municipal Court of the City of Hampton.

ARTICLE V - PENALTIES.

Any person who violates the terms and conditions of this ordinance and who fails to comply with the notice specified above shall be guilty of a misdemeanor and the Municipal Court shall have jurisdiction to try violations of this ordinance. Any person found guilty under the terms of this ordinance shall be fined \$250.00 for each violation. Further, each day such violation exists shall be deemed a separate offense.

ARTICLE VI - CONSTITUTIONALITY.

In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Ordinance which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

ARTICLE VII - REPEALER.

Any Ordinance in conflict herewith is hereby specifically repealed.

ARTICLE VIII - EFFECTIVE DATE.

This Ordinance shall become effective at twelve o'clock (12:00) midnight after the approval of this Ordinance by the Mayor and City Council of the City of Hampton.

ORDAINED this 11TH day of OCTOBER, 1994, by the Mayor and Council of the City of Hampton.

FIRST READING 9-13-94
SECOND READING 10-11-94

W. McBrayer
COUNCIL MEMBER

B. B. Wynn
COUNCIL MEMBER

Catherine Williams
COUNCIL MEMBER

Tommy N. Smith
MAYOR TOMMY N. SMITH

Alice Pindley
COUNCIL MEMBER

Steve Morris
COUNCIL MEMBER

COUNCIL MEMBER

ATTEST:

Elaine Haynes
Elaine Haynes, City Clerk

I hereby certify that the foregoing is a true and accurate copy of an ordinance of the City of Hampton adopted 11 day of

October, 1994.

SEAL

Elaine Haynes
ELAINE HAYNES, CITY CLERK