



Hart County Board of Commissioners  
Tuesday March 25, 2025  
6:00 p.m.  
Emergency Services and Administration Building

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)  
03/11/2025 Regular Minutes  
03/18/2025 Work Session Minutes
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT
10. CHAIRMAN'S REPORT
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
  - a) Chapter 46 Land Development Amendment (2<sup>nd</sup> Reading)
  - b) Amendment to Chapter 50 MANUFACTURED HOMES AND TRAILERS Sec 50-3 Requirements (2<sup>nd</sup> Reading)
  - c) Bid Opening Tennis / Pickleball Court Lighting Labor
  - d) Bid Opening Recreation Football Uniforms
  - e) Bid Opening Recreation Cheerleading Uniforms
  - f) Bid Opening Recreation Photography
  - g) Transfer Station Fee Verification Procedures and Enforcement
13. NEW BUSINESS
  - a) Tar and Gravel Roads Discission
  - b) Right of Way Variance Request Parcel No. C79E 014, Hugh Dorsey Rd.
14. PUBLIC COMMENT
15. EXECUTIVE SESSION – Litigation – Personnel - Real Estate
16. ADJOURNMENT



Hart County Board of Commissioners  
Tuesday March 11, 2025  
6:00 p.m.

Emergency Services and Administration Building

1. PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. WELCOME
5. APPROVE AGENDA
6. APPROVE MINUTES OF PREVIOUS MEETING(S)  
02/25/2025 Regular Minutes  
02/26/2025 Mega Ramp Committee Minutes
7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES
8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS
9. COUNTY ADMINISTRATOR'S REPORT  
February Financial Report
10. CHAIRMAN'S REPORT
11. COMMISSIONERS' REPORTS
12. OLD BUSINESS
  - a) Bid Award Replacement Mega Ramp dock
  - b) Amendment to Chapter 50 MANUFACTURED HOMES AND TRAILERS Sec 50-3 Requirements (1<sup>st</sup> Reading)
  - c) Add Clay Brown Road to Striping List
  - d) Possible RFP for Road Engineering Evaluation Discussion
  - e) Transfer Station Fee Schedule
13. NEW BUSINESS
  - a) Chapter 46 Land Development Amendment (1<sup>st</sup> Reading) and possible Moratorium
14. PUBLIC COMMENT
15. EXECUTIVE SESSION – Litigation – Personnel - Real Estate
16. ADJOURNMENT

Hart County Board of Commissioners  
Tuesday March 11, 2025  
6:00 p.m.

Hart County Board of Commissioners met March 11, 2025 at the Hart County Administrative and Emergency Services Center.

Chairman Marshall Sayer presided with Commissioners Michael Bennett, Frankie Teasley, Jeff Brown, and Joey Dorsey present at the meeting.

1. PRAYER

Commissioner Bennett offered prayer.

2. PLEDGE OF ALLEGIANCE

Everyone stood in observance of the Pledge of Allegiance.

3. CALL TO ORDER

Chairman Sayer called the meeting to order.

4. WELCOME

Chairman Sayer welcomed those in attendance via in person, HTC and YouTube.

5. APPROVE AGENDA

Commissioner Teasley moved to approve the agenda. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

6. APPROVE MINUTES OF PREVIOUS MEETING(S)

02/25/2025 Regular Minutes

Commissioner Bennett moved to approve the 2/25/2025 Regular Meeting minutes. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

02/26/2025 Mega Ramp Committee Minutes

Commissioner Dorsey moved to approve the 2/26/2025 Mega Ramp Committee Minutes. Chairman Sayer provided a second. The motion carried 3-0. Commissioners Michael Bennett and Frankie Teasley abstained.

7. REMARKS BY INVITED GUESTS, COMMITTEES, AUTHORITIES

None

8. REPORTS BY CONSTITUTIONAL OFFICERS & DEPARTMENT HEADS

None

9. COUNTY ADMINISTRATOR'S REPORT  
February Financial Report

County Administrator, Terrell Partain, gave the financial report for February.

10. CHAIRMAN'S REPORT

Chairman Sayer thanked those that worked at the Polar Bear Plunge.

11. COMMISSIONERS' REPORTS

Commissioner Bennett also thanked those that sponsor and work at local charity events.

Commissioner Teasley also thanked those that helped with the Polar Bear Plunge.

Commissioner Brown did not have anything to report.

Commissioner Dorsey responded to the Hartwell Sun's allegations of an illegal meeting when three of the Commissioner meeting with Congressman Mike Collins, to discuss National issues. Commissioner Dorsey stated that according to Georgia law for open records open meeting a meeting occurs when a gathering of a quorum of Board of Commissioners, other local agency, or committee gather to discuss local County business or any other public matter pertaining to County to take official action or to discussion or formulate recommendations on County business or policy. While at the meeting the Commissioners did not discuss any County business, they only discussed National business.

12. OLD BUSINESS

a) Bid Award Replacement Mega Ramp dock

Commissioner Dorsey moved to award the Replacement Mega Ramp Dock to Custom Dock Systems, Inc in the amount of \$79,320.00 based upon the County Administrator recommendation contingent on the City's 50% participation. Commissioner Brown provided a second. The motion carried 5-0.

b) Amendment to Chapter 50 MANUFACTURED HOMES AND TRAILERS Sec 50-3 Requirements (1<sup>st</sup> Reading)

Commissioner Brown moved to accept the 1<sup>st</sup> reading of the Amendment to Chapter 50 MANUFACTURED HOMES AND TRAILERS Sec 50-3 Requirements (1<sup>st</sup> Reading). Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

c) Add Clay Brown Road to Striping List

Chairman Sayer moved to add Clay Brown Road to the striping list. Commissioner Dorsey provided a second to the motion. The motion carried 5-0.

d) Possible RFP for Road Engineering Evaluation Discussion

Commissioner Brown moved to put out for bid a full comprehensive engineering study that would encompass a full pavement condition assessment, traffic engineering for intersections, public workshops, and long-range planning or modeling, a full comprehensive transportation and safety plan. Commissioner Brown moved to amend the motion to be put out for bid within 60 days. Commissioner Bennett provided a second to the motion. The motion carried 5-0.

e) Transfer Station Fee Schedule

Chairman Sayer moved to keep the Transfer Station Fee for local residents the same and to increase the out of town fees to \$120.00 for construction, industrial and residential waste and to \$60.00 for yard waste. Commissioner Bennett provided a second. The motion carried 5-0. This will be effective Monday, March 17, 2025.

13. NEW BUSINESS

a) Chapter 46 Land Development Amendment (1<sup>st</sup> Reading) and possible Moratorium

Julie Mouchet expressed concerns about the subdivision developments.

Doug Mauk, builder, questioned could agriculture property be zoned without having zoning.

Commissioner Dorsey moved to accept the 1<sup>st</sup> Reading of Chapter 46 Land Development Amendment with the changes, enact a 60-day moratorium and have a work session March 18, 2025 at 6pm. Commissioner Teasley provided a second to the motion. The motion carried 4-1. Commissioner Bennett opposed the motion.

Commissioner Dorsey moved to grandfather in the subdivision request that County Administrator Terrell Partain has already received. Chairman Sayer provided a second to the motion. The motion carried 5-0.

14. PUBLIC COMMENT

None.

15. EXECUTIVE SESSION – Litigation – Personnel - Real Estate

Commissioner Brown provided a motion to exit the Regular Meeting and go into Executive Session for Litigation, Personnel, Real Estate Acquisition. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

Commissioner Dorsey moved to close the Executive Session and open the Regular Meeting. Commissioner Teasley provided a second to the motion. The motion carried 5-0.

16. ADJOURNMENT

Commissioner Dorsey moved to adjourn the meeting. Commissioner Brown provided a second to the motion. The motion carried 5-0.

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Marshall Sayer, Chairman

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Lisa Evans, Administrative Assistant

Hart County Board of Commissioners  
Work Session Tuesday March 18, 2025, at 6:00 PM

Hart County Board of Commissioners met March 18, 2025 at the Hart County Administrative and Emergency Services Center for a Work Session.

Vice Chairman Dorsey presided with Commissioners Michael Bennett, Frankie Teasley and Jeff Brown in attendance. Chairman Marshall Sayer was absent.

Vice Chairman Dorsey called the work session to order.

Vice Chairman Dorsey announced that they would be discussing Amendments to Chapter 46 Land Development Standards and welcomed everyone.

Commissioner Teasley moved to approve the agenda. Commissioner Brown provided a second. The motion carried 4-0.

1. Amendments to Chapter 46 Land Development Standards

Karen Irwin expressed her concerns over the impact that the development of subdivisions are having and will have on the citizens of Hart County.

Tina Howard shared her thoughts that development should be near infrastructure.

Doug Carter, Coldwell Banker/Fort Realty agreed that growth does need to be slowed. He gave the breakdown of how much a new home would cost on a 3-acre lot.

Doug Mauk, developer, expressed the need for lowering the lot size for subdivisions.

Julie Mouchet, developer, spoke on the price to build subdivisions have increased and that the slowdown is already there because of that increase.

Joe Sanders asked if there was any way to see how many people who have purchased new homes are new to Hart County versus current residents.

Vice Chairman Dorsey stated that in addition to the lot size, soil characteristics and the taxes being complete to also add the following, that the approval process follows the developer not the dirt, you will have to be the owner to get the approval and also adjustments to the pavement width.

2. Other Items as time allows.

None.

Meeting Adjourned

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Joey Dorsey, Vice Chairman

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Lisa Evans, Administrative Assistant



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 A Chapter 46 Land Development Amendment (2<sup>nd</sup> Reading)

There was a work session held for this on 3/18/2025 the County Attorney is working on the requested amendment verbiage resulting from that work session and will present at the meeting.



## MEMORANDUM

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 B Amendment to Chapter 50 MANUFACTURED HOMES AND TRAILERS Sec 50-3 Requirements (2<sup>nd</sup> reading)

We have found that the wording in this section needs to be modified to make the ordinance be more in line with our goal of assuring any mobile home brought into or moved around the county is livable. The requirement for a “building inspector” for a mobile home the building inspector can only check for coverings on the breaker panel and if the home has smoke detectors. They do not access if home is livable. This does not access the livability of the home and the inspector fee, even though it is paid by the buyer or seller is fairly expensive. I think requiring a “Home Inspector” to inspect the home, just as most realtors use for home sales would be a better choice both in accessing the livability and the cost to the customer less.

What I am suggesting is to change the initial inspectors from requiring a “Building Inspector” to a “Certified Home Inspector”



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 C Bid Opening Tennis / Pickleball Court Lighting Labor

We received only one bid under the initial advertisement for bids for this project. The board voted to extend the bid acceptance date by 30 days. We have received two additional bids for a total of three bids.



**MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 D Bid Opening Recreation Football Uniforms

We have received 2 Bids



**MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 E Bid Opening Recreation Cheerleading Uniforms

We have received 4 Bids



**MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 F Bid Opening Recreation Photography

We have received 2 Bids



## MEMORANDUM

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 12 G Transfer Station Fee Verification Procedures and Enforcement

It has been a little over a week since the new fee rate has been instituted. There is still some confusion as to how this residence is to be verified. I have included the portion of Chapter 74 Solid Waste Ordinance that has been in place for years and give us some guidance on some possible remedies for identifying who is considered in the county and outside of county. The ordinance requires written permission from the Board of Commissioners for any trash or garbage that is collected from another County or State to be brought to the transfer Station. It also requires a franchise from the County for any business that collects trash or garbage within the county. If fully enforced would require all businesses to have a franchise which would give us a database of who is local and who is not on the business side. Individuals we still need clarification on identifying methods.

## Chapter 74 SOLID WASTE<sup>1</sup>

### ARTICLE I. IN GENERAL

#### DIVISION 1. GENERALLY

##### Sec. 74-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial establishment* means any business, industrial establishment, hotel, motel, apartment dwelling, roominghouse, public or semipublic establishment of any nature or kind whatsoever other than a one- or two-family dwelling unit or condominium.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

*Condominium* means individual ownership units in a multifamily residential structure with a front and back entrance to each unit on the ground level.

*Construction/demolition waste* means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations performed to houses, commercial buildings, pavement and other structures. Such waste includes but is not limited to containers, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste, landfill material and other nonputrescible waste that has a low potential for groundwater contamination.

*County-approved bag* means the bag approved by the county for the disposal of all household waste available for purchase at local commercial establishments and county convenience centers.

*Disposal facility* means any facility or location where the final disposition of solid waste occurs and includes but is not limited to satellite collection stations, convenience centers, the central transfer station, or any future disposal facilities.

*Franchise area* means the unincorporated area of the county.

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<sup>1</sup>Cross reference(s)—Buildings and building regulations, ch. 18; environment, ch. 34; health and sanitation, ch. 42; manufactured homes and trailers, ch. 50.

State law reference(s)—Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local, multijurisdictional and regional solid waste plans, O.C.G.A. § 12-8-31.1; scrap tire disposal restrictions, O.C.G.A. § 12-8-40.1; yard trimmings disposal restrictions, O.C.G.A. § 12-8-40.2; Litter Control Law, O.C.G.A. § 16-7-40 et seq.; transporting garbage or waste across state or county boundaries without permission, O.C.G.A. § 36-1-16; littering highways, O.C.G.A. § 40-6-249; transportation of biomedical waste, O.C.G.A. § 40-6-253.1; solid waste management education program, establishment of Georgia Clean and Beautiful Advisory Committee and Interagency Council on Solid Waste Management, O.C.G.A. § 50-8-7.3; authorization to provide garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III(a)(2).

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*Franchisee* means a person granted a franchise by the county governing authority who, under written agreements for compensation by those receiving services, collects and transports solid waste from commercial establishments and residential dwellings, excluding an individual collecting and transporting waste from his own residential dwelling.

*Garbage* means food waste, including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables.

*Household waste* means solid waste, primarily consisting of garbage, produced by residential units.

*Industrial waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under the Georgia Hazardous Waste Management Act (O.C.G.A. § 12-8-62 et seq.). Such waste includes but is not limited to waste resulting from the following manufacturing processes:

- (1) Electric power generation;
- (2) Fertilizer and agricultural chemicals;
- (3) Food-related products and by-products;
- (4) Inorganic chemicals;
- (5) Iron and steel products;
- (6) Leather and leather products;
- (7) Nonferrous metal and foundry products;
- (8) Organic chemicals;
- (9) Plastic and resins;
- (10) Pulp and paper;
- (11) Rubber and miscellaneous plastic products;
- (12) Stone, glass, clay and concrete products;
- (13) Textiles; and
- (14) Transportation equipment.

This term does not include mining waste or oil and gas waste.

*Municipal solid waste* means any solid waste, including sanitary waste in septic tanks, derived from residential dwellings, hotels and motels, campgrounds, picnic grounds and recreation areas. This term includes commercial solid waste but does not include construction/demolition waste and solid waste from mining, agricultural, silvicultural or industrial processes or operations.

*Open dump* means an accumulation of solid waste from one or more sources left to decompose, burn or create a threat to health or the environment.

*Owner* means any person owning, leasing, renting, occupying, possessing or managing any premises in the county.

*Person* means any individual, partnership, corporation, association, public or private entity in this or any other state. The term includes but is not limited to the federal government and its agencies or institutions; the state and its agencies or institutions; and any municipality, county, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, and includes any officer, department or governing body of any public entity.

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*Putrescible waste* means wastes that are capable of being decomposed by microorganisms. Examples of putrescible waste include but are not limited to kitchen waste, animal manure, offal, hatchery and poultry processing plant waste, and garbage.

*Reclamation* means a controlled method of sorting and storing material from solid waste for future use.

*Recovered materials* means those materials that have a known use or recycling potential, and can be feasibly used, reused or recycled, and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not subsequent separation and processing is required.

*Recycling* means any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Refuse* means garbage, rubbish or commercial solid waste.

*Residential unit* means any freestanding structure or shelter or any part used or constructed for use as a residence for one family.

*Rubbish* means discarded wastepaper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage and/or similar materials.

*Scrap tire* means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

*Solid waste* means any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

*Solid waste handling* means the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste or any combination of such activities.

*Solid waste handling facility* means any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing or disposal, or any combination, of solid waste.

*Special waste* means:

- (1) Solid waste containing free liquids;
- (2) Solid waste containing sludge, as defined in 40 CFR 241/101 as amended;
- (3) Off-specification, outdated or discarded chemical products;
- (4) Petroleum products and petroleum contaminated soil; and
- (5) Solid waste generated by an industrial process other than cardboard or other inert substances or materials.

*Transfer station* means the central transfer station owned by the county.

*Waste stream* means the total flow of solid waste from residential units, commercial establishments, condominiums, apartments, institutions and the like to its ultimate disposal site or facility.

*Yard trimmings* means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural and silvicultural operations.

(Ord. of 5-23-1995, art. I, § 1)

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Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 74-2. Prohibited acts.**

- (a) No individual, partnership, corporation or other entity shall throw, litter, dump or deposit (or cause or permit to be deposited) any waste unless authorized to do so by law or by a duly issued permit:
  - (1) In or on any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way, or on any other public lands except in containers or areas lawfully provided for such dumping;
  - (2) In or on any freshwater lake, river, canal or stream; and
  - (3) On any private property without the express permission of the owner.
- (b) No owner or occupant shall allow the accumulation on his residential unit or commercial establishment of solid waste where such solid waste creates or may create a health hazard to neighbors or other citizens, or is unsightly, or emits foul or obnoxious odors that constitute either a public or private nuisance. Such conduct shall constitute a violation of this article.
- (c) The owner or occupant of any premises, office, business establishment, institution, industry or similar facility shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution or similar facility to the transfer station, or to a county-approved disposal or solid waste handling facility. Each day the solid waste remains on the premises may constitute a separate violation of this article.
- (d) The owner or occupant of any premises, office, business establishment, institution, industry or similar facility shall package solid waste in county-approved bags, and shall deposit or cause such bags to be delivered to the convenience centers or transfer station (or other approved waste disposal facility). No person shall deposit waste at the site of the convenience centers or transfer station except during posted business hours.
- (e) No person may store more than 100 scrap tires anywhere in this county, except as permitted by O.C.G.A. § 12-8-40.1(g).

(Ord. of 5-23-1995, art. I, § 2)

### **Sec. 74-3. Exemptions.**

Provisions of this article shall not apply to any individual, partnership, corporation or other entity not collecting and disposing of municipal solid waste, commercial solid waste, construction waste or industrial waste for a fee but who are holders of valid solid waste handling permits from the director of the environmental protection division of the state department of natural resources pursuant to rules of the state department of natural resources environmental protection division 391-3-4.02 and 391-3-4.06 for disposal or on-site burial. Such disposal shall be governed by state environmental protection regulations and by the requirements of the current county development regulations. Provisions of this article shall not apply to any individual disposing of solid waste originating from his own residence onto land or facilities owned by him when disposal of such wastes does not adversely affect the public health.

(Ord. of 5-23-1995, art. I, § 3)

### **Sec. 74-4. Enforcement.**

- (a) This article shall be enforced in the same manner as other ordinances of the county, and violations shall be a misdemeanor for which the violator may, upon conviction, be punished as provided in section 1-13.

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- (b) In its discretion, the court may also order the violator to remove or render harmless any waste thrown, deposited, dropped or dumped in violation of this article; repair or restore property damaged by or pay damages resulting from such dumping; or perform public service related to the removal of illegally dumped waste or to the restoration of an area polluted by such waste, including but not limited to directing the violator to pick up and remove litter from any public street, highway or right-of-way for a distance not to exceed one mile. In its sound discretion, the court may also order that the names of violators of this article be published in the legal organ, and assess the cost of such publication in addition to any other fine imposed pursuant to this article.
  - (c) The magistrate judge, the publisher of any legal organ which publishes such a notice, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.
  - (d) All law enforcement agencies, officers and officials of this state and county and the county planning director are authorized, empowered and directed to enforce compliance with this article.
  - (e) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.
  - (f) Whenever litter dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any articles, including but not limited to letters, bills, publications or other writings that display the name of a person on the article, addressed to such person or in any other manner indicating that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(Ord. of 5-23-1995, art. I, § 4; Res. of 8-25-1998)

#### **Sec. 74-5. Provisions saved from repeal.**

The resolution adopted July 13, 1993, which activated the Northeast Georgia Regional Solid Waste Management Authority is not repealed and shall continue in full force and effect pending a revision of the subject matter by the county.

#### **Secs. 74-6—74-25. Reserved.**

### *DIVISION 2. FRANCHISES<sup>2</sup>*

#### **Sec. 74-26. Prohibited acts.**

- (a) No person shall engage in solid waste handling except in such a manner as to conform to and comply with this article and all applicable state and federal legislation, rules, regulations and orders.
- (b) No person shall collect and/or dispose of municipal solid waste for a fee without obtaining a franchise from the board of commissioners.

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<sup>2</sup>Cross reference(s)—Businesses, ch. 22.

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- (c) No solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property as defined by the rules of the state department of natural resources, environmental protection division.
    - (1) A person shall be presumed to have violated this subsection if, upon written notification by the enforcement officer that litter or solid waste has been dumped on that person's property, not otherwise subject to the provisions of O.C.G.A. §§ 16-7-51—16-7-54, that person fails to provide the enforcement officer or his designee within 15 days of notification with written assurance that the accumulation of litter or solid waste will be properly disposed of within 30 days from the original date of notification.
    - (2) No person who first informs the enforcement officer in writing that illegal dumping has occurred on a particular parcel of that person's property shall be deemed to have violated this subsection if such person provides written assurance that all accumulated litter or solid waste will be properly disposed of within 45 days of the date of such written notification and subsequently provides proof of such disposal.
  - (d) No person shall engage in solid waste handling in a manner that will:
    - (1) Be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals;
    - (2) Impair the air quality;
    - (3) Impair the quality of the ground or surface waters;
    - (4) Impair the quality of the environment; or
    - (5) Likely create other hazards to the public health, safety or well-being as may be determined by the solid waste management director or his designee.
  - (e) Provisions of this article apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

(Ord. of 5-23-1995, art. II, § 1)

### **Sec. 74-27. Procedures for granting.**

- (a) Copies of this article shall be available for public inspection in the offices of the county clerk, and at other locations as may be designated by the clerk.
- (b) Nonexclusive franchises for residential or commercial collection and disposal shall be granted upon application to the county administrator or his designee, provided franchises meet at least the minimum requirements set out in section 74-28.
- (c) The board of commissioners reserves the discretionary authority to revoke or rescind any such franchise in the interest of the health, safety and welfare of the citizens of the county.

(Ord. of 5-23-1995, art. II, § 2)

### **Sec. 74-28. Requirements for franchisees.**

- (a) *Generally.* All franchisees must meet the requirements of this section.

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- (b) *Permit.* Prior to engaging in solid waste handling in the county, a franchisee must have obtained a solid waste handling permit from the director of the environmental protection division of the state department of natural resources or any successor agency authorized to issue permits pursuant to O.C.G.A. § 12-8-24.
- (c) *Insurance.* At the time of submission of a signed franchise agreement and prior to engaging in solid waste handling in the county, and annually thereafter, each franchisee shall provide to the county administrator proof of insurance as follows:
- (1) At least the minimum statutory workers' compensation insurances required by state law.
  - (2) Comprehensive general liability insurance in the amount of \$500,000.00.
  - (3) Vehicle liability insurance as follows:
    - a. Per occurrence for bodily injury and property damage, \$500,000.00 limit.
    - b. Comprehensive insurance, covering all owned, non-owned and hired vehicles.All insurance contracts must specify vehicles for "solid waste collection."
  - (4) All comprehensive general liability and vehicle liability shall show the board of commissioners as an additional insured and shall provide for 30 days' notice of cancellation to the board.
- (d) *Indemnification.* The franchisee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, its officers, boards, commissions, employees and agents, against any and all claims, suits, actions, liability and judgments from third parties for damages that may be the result of willful, negligent or tortious conduct arising out of the business of collection, transportation and disposal of solid waste, whether or not the action or omission complained of is authorized, allowed or prohibited by this article.
- (e) *Vehicles.*
- (1) All vehicles and containers used for collection operations shall comply with the requirements of rule 391-3-4-.06 of ordinance 391-3-4, relating to solid waste management, of the rules of the state department of natural resources, environmental protection division, and must be compactor-type trucks, covered or enclosed vehicles. All vehicles must be constructed to be substantially leakproof, constructed of durable metal, easily cleanable and designed to prevent litter from escaping during movement of the vehicle.
  - (2) Vehicles and containers shall meet all requirements of the state department of transportation for highway safety and local ordinances governing weight and size for the streets that must be traveled for pickup. All vehicles shall be subject to unannounced inspection by county officials for compliance with environmental and highway safety standards.
  - (3) Franchisees shall provide an adequate number of vehicles for regular collection services. Nothing in this article shall prohibit franchisees from sharing backup vehicles with other franchisees provided that such sharing is adequately covered by insurance.
- (f) *Books and records.* The franchisee shall maintain at its place of business books and records showing the names and addresses of all owners and tenants with whom the franchisee contracted for solid waste handling services, including the street address for the property served. The franchisee shall submit upon reasonable request of the county to a customer audit. This information shall be compiled for state reporting and compliance purposes by the county.
- (g) *Disposal assurance.* As a condition of the franchise and/or franchise renewal, all applicants shall dispose of solid waste only at the transfer station.
- (h) *Franchise fee.* The franchisee shall pay an annual fee to the county as specified in the schedule of fees and charges for any franchise granted pursuant to this section.

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(Ord. of 5-23-1995, art. II, § 3)

**Sec. 74-29. Collection services.**

All franchisees granted a franchise for solid waste collection and removal for any areas shall provide a minimum of the following services:

- (1) The franchisees shall provide at a minimum weekly collection of waste packaged in a sanitary manner. Each franchisee shall set uniform fees for collection; and charges for residential collection and removal services shall be charged to the owners of the real property served, except that by requesting services, any tenant may become jointly bound to pay such fees.
- (2) Collection and removal services for disabled persons and senior citizens 65 years old and older as defined in section 74-56 shall be made and billed as directed in that section.
- (3) Franchisees shall bill customers following monthly collection. The county assumes no responsibility to franchisees for the failure of any customer to keep current solid waste collection payments. Franchisees shall cooperate fully in any legal action taken by the county for failure of any owner or resident to comply with the provisions of this article.
- (4) For all customers, the franchisee may provide recycling services. The franchisee may establish its own collection schedule; however, the franchisee must provide weekly collection at a minimum.
  - a. No additional fee, over the amount charged for curbside collection of waste, shall be charged by the franchisee for regular collections of recovered materials.
  - b. Franchisees, at their option, may credit customers' accounts for collection of recovered materials.
  - c. At the time recovered materials are placed in recycling containers for regular collection, they shall become the property of the franchisee collecting waste for that address.
  - d. Nothing in this subsection shall be construed to limit the right of any individual, organization or other entity from donating, selling or otherwise disposing of recovered material if such disposal does not violate any applicable statute, regulation or ordinance.
- (5) The county at all times reserves the right to direct and control the time, place and manner of solid waste handling. Nothing in this article is intended to abridge the county's right to ownership and control of the waste stream.
- (6) Service shall be offered by each franchisee to all county residents (excluding those within the City of Hartwell); in areas where residents are not accessible due to the condition of the road, franchisees must provide pickup at the nearest accessible location.

(Ord. of 5-23-1995, art. II, § 4)

**Sec. 74-30. Elderly and disabled.**

- (a) Nothing in this article is intended to prohibit the franchisee from offering discounts to senior citizens or the disabled.
- (b) Any person who is a full-time resident of a residential dwelling unit and who is disabled to the extent that he is incapable of moving his refuse shall obtain a physician's certificate as to such disability. Such disabled persons who have no other able-bodied individuals residing with them shall not be required to place the refuse at the curbside. This subsection shall not apply unless all of the adult persons in a residential unit are

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disabled, and the disabled person produces a physician's certificate. Certificates must be provided to the franchisee with a copy to the county administrator. This subsection also applies to temporary disability not to exceed 90 days. Franchisees may make reasonable rules for non-curbside collection for elderly and disabled persons.

- (c) Franchisees shall provide recycling services to disabled and elderly persons to the same extent such services may be provided under section 74-29.

(Ord. of 5-23-1995, art. II, § 5)

**Secs. 74-31—74-50. Reserved.**

***DIVISION 3. REGULATIONS RELATING TO INDIVIDUALS, FRANCHISEES AND OTHERS***

**Sec. 74-51. Containers.**

All containers used by any person for the storage or collection of garbage, debris or trash must comply with all county regulations. All garbage, debris or trash not placed in containers shall be kept free of rodents and insects.

(Ord. of 5-23-1995, art. III, § 1)

**Sec. 74-52. Rules and regulations.**

- (a) Domestic household garbage and all other garbage shall be placed in county-approved bags.
- (b) It is unlawful for any person to place appliances, automobile parts, farm implements, furniture, or parts of such objects, dead animal carcasses or parts, trees or limbs, industrial, manufacturing or processing waste or any other solid waste that is not household garbage in or around solid waste handling or disposal facilities.
- (c) It shall be unlawful to scavenge, sort or remove the contents of solid waste handling or disposal facilities.
- (d) It shall be unlawful to set afire the contents of solid waste handling or disposal facilities or to place burning or smoldering materials in solid waste handling or disposal facilities.

(Ord. of 5-23-1995, art. III, § 2)

**Sec. 74-53. Private landfills and dumps prohibited.**

- (a) Any person who receives solid waste from another for disposal upon property located in the county that it owns or operates without obtaining a proper permit from the environmental protection division shall be guilty of a violation of this article.
- (b) Any person that provides solid waste to another for disposal upon property located in the county that the other owns or controls or who disposes of solid waste onto the property of another without the consent of the owner of the property without obtaining a proper permit from the environmental protection division shall be guilty of a violation of this article.
- (c) For purposes of this section, "owner" shall mean the actual holder of legal title of property located in the county.
- (d) These provisions shall apply whether the disposal is for payment or is gratis.

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(Ord. of 5-23-1995, art. III, § 3)

**Sec. 74-54. Open burning.**

Open burning is prohibited at all disposal sites and solid waste handling facilities.

(Ord. of 5-23-1995, art. III, § 4)

**Sec. 74-55. Permission required for haulers outside of county.**

- (a) No person shall transport garbage from some other county in this state or from any other state for the purpose of dumping garbage at the convenience centers or transfer station without first receiving written permission from the board of commissioners.
- (b) Visitors to this county may dispose of household waste in county-approved bags and recyclable items without obtaining written permission.

(Ord. of 5-23-1995, art. III, § 5)

**Sec. 74-56. Operating procedures for transfer station.**

- (a) *Weight.* Each vehicle will be weighed empty as it leaves the transfer station so that a record will be established of the weight of the vehicle for record-keeping purposes.
- (b) *Composition of waste.* All vehicles entering the transfer station must report to the scale operator the exact composition of the solid waste.
- (c) *Prohibited waste.* Any waste determined to be prohibited or of a hazardous nature will be refused at the gate.
- (d) *Recyclables.* Any recyclable materials that have been separated from other garbage may be delivered to the convenience centers or transfer station.
- (e) *Private disposal facilities.* No subdivision, individual resident, company or municipality may develop their own landfill or dump site without the approval of the county according to the solid waste plan as defined by state law.
- (f) *Hours of operation.* The hours of operation for the convenience centers and transfer station shall be established by the county administrator with the concurrence of the board of commissioners.
- (g) *Cost.* The charges for solid waste disposal at the transfer station shall be as established by the board of commissioners.
- (h) *Acceptance of recyclables.* Recyclable items will be accepted free of charge from entities that use the convenience centers and transfer station for waste disposal provided that all recyclable items must be delivered separate from waste.
- (i) *Prohibited items.* The following items will not be accepted for disposal at the convenience centers or transfer station:
  - (1) Dead animals;
  - (2) Scrap tires;
  - (3) Yard trimmings;

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- (4) Batteries;
  - (5) Hazardous, medical, radioactive, waste containing asbestos, and infectious waste;
  - (6) Special waste not meeting TCLP testing standards; and
  - (7) Any items specifically prohibited from disposal at solid waste disposal facilities as provided for by federal, state and local law and in the rules of the state department of natural resources, environmental protection division.

(Ord. of 5-23-1995, art. III, § 6)

**Sec. 74-57. Operating procedures for convenience centers.**

- (a) Anything other than household waste and recyclable items is prohibited at the convenience centers.
- (b) The hours and method of operation for such centers shall be determined by the board of commissioners.

(Ord. of 5-23-1995, art. III, § 7)

**Secs. 74-58—74-90. Reserved.**

***ARTICLE II. SOLID WASTE MANAGEMENT PLAN***

**Sec. 74-91. Adopted.**

The board of commissioners officially adopts the Solid Waste Management Plan for Hart County and the cities of Bowersville and Hartwell dated August 1992, prepared by Tribble & Richardson, Inc., and the Solid Waste Management Plan Amendment for Hart County and the cities of Bowersville and Hartwell, as adopted by resolution dated January 11, 1994.

(Res. of 11-30-1992; Res. of 1-11-1994)

**Secs. 74-92—74-120. Reserved.**

***ARTICLE III. SHORT-TERM WORK PROGRAM***

**Sec. 74-121. Findings.**

- (a) The Georgia Comprehensive Solid Waste Management Act of 1990 (O.C.G.A. § 12-8-20 et seq.) requires all local governments in Georgia to prepare or be included in a comprehensive solid waste management plan.
- (b) The state's minimum planning standards and procedures for solid waste management, as promulgated by the state department of community affairs, require local governments to update the short-term work program (STWP) of their solid waste plan at least every five years in order to remain in compliance with state law and eligible to receive solid waste grants, loans and permits.
- (c) A coordinated planning process has resulted in a short-term work program covering the county and the City of Hartwell.

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- (d) The Georgia Department of Community Affairs and the Georgia Mountains RDC have reviewed the short-term work program update and found it to be in compliance with the minimum planning standards and procedures for solid waste management.

(Res. of 4-6-1998)

**Sec. 74-122. Adopted.**

The board of commissioners adopts the short-term work program update as submitted on March 31, 1998.

(Res. of 4-6-1998)

**Secs. 74-123—74-155. Reserved.**

**ARTICLE IV. SEWAGE DISPOSAL**

**Sec. 74-156. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Absorption field area* means the area of the bottoms of trenches used for disposal of sewage by absorption into the earth.

*Board* means the legally constituted board of health of the county or an authorized representative.

*Contractor* means any person who installs, repairs or alters one sewage disposal system for another.

*Department* means the department of public health of the county or an authorized representative.

*Domestic sewage* means the liquid wastes from kitchens or laundries in dwelling units.

*Individual* means a person who installs a sewage disposal system for his use.

*Industrial liquid wastes* means liquid or waterborne waste from an industrial process.

*Municipal sewage disposal system* means a sewage disposal system owned and operated by a political subdivision.

*Permanent buildings* means any residential or commercial building, including motor homes.

*Private sewage disposal system* means a sewage disposal system other than a public sewage disposal system.

*Public sewage disposal system* means a sewage disposal system that serves two or more residences or a public or semipublic business or establishment.

*Sanitary sewage* means human excrement or the wastes from water closets, lavatories, urinals, bathtubs and showers.

*Sewage* means sanitary sewage, domestic sewage, and industrial liquid wastes, separately or in any combination.

*Sewerage system* means a privy pit, privy vault, septic tank, nitrification field, tile absorption field, dosing tank, filter bed, sewer, grease trap, settling tank, grit chamber, digestion tank, pump appurtenance, equipment or any combination of these used or intended for use in conveying, treating or disposing of sewage.

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*Subdivision* means any subdivision of land as defined and described in the "Land Development Standards of Hart County, Georgia," as set forth in chapter 46 of this Code.

(Ord. of 10-27-1992, § 1)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 74-157. Sewage disposal system required.**

The owner of every building designed or used for human habitation or congregation shall provide on the premises a method of sewage disposal for the use of the persons who regularly use the building and for the use of transient members of the public. The owner shall provide one or more sanitary water closets connected to a public sewage disposal system if such is accessible and within 200 feet of the property, if economically feasible, upon which the building is located; except where the building will be demolished within five years, the owner may use an approved method of sewage disposal. The owner shall provide a private sewage disposal system if a public sewerage system is not available.

(Ord. of 10-27-1992, § 2)

### **Sec. 74-158. Construction permit required.**

No contractor or individual shall construct, alter or repair a sewage disposal system until the proposed system has been submitted to and approved by the department through the issuance of a construction permit.

(Ord. of 10-27-1992, § 3)

### **Sec. 74-159. Application for a construction permit.**

The owner shall submit to the department an application for a construction permit. The application may be made on forms provided by the department; the application must contain the following:

- (1) Number of bedrooms to be served or BOD loading;
- (2) Distance to nearest sewer;
- (3) Distance to nearest source of water;
- (4) Data on soil used;
- (5) Whether or not the lot is part of a subdivision;
- (6) A sketch or plot plan; and
- (7) Additional information required by the department.

(Ord. of 10-27-1992, § 4)

### **Sec. 74-160. Inspections.**

- (a) *Individuals.* Individuals who construct their own system shall not cover any part of the system until they have notified the department of the completion of the work and the department has inspected and approved the system as constructed.
- (b) *Contractors.* Contractors may cover a system after an inspection of the system has been made by the department.

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(Ord. of 10-27-1992, § 5)

**Sec. 74-161. Prohibited actions.**

- (a) No person shall connect a sewerage system so that sewage flows into a stormwater sewer or into a drain intended exclusively for stormwater.
- (b) No person shall discharge sewage onto the surface of the ground or discharge sewage in a way that permits it to come to the surface of the ground.
- (c) No person shall discharge sewage into a well.
- (d) No two separate permanent buildings not under the control or ownership of one person shall be served by the same septic tank and absorption field.
- (e) A concrete block or metal septic tank shall not be used.
- (f) No person shall set a septic tank until evidence has been presented to him that a construction permit has been issued by the department.
- (g) No electric utility corporation, company, cooperative or individual shall connect temporary or permanent electricity to a new or relocated house, mobile home or building where people congregate or reside until the owner has applied for an individual sewage disposal system permit from the department (where an approved public sewerage system is not available), and the site has been inspected and approved by the department. The purpose of this requirement is to ensure that such dwelling or building has an acceptable site for a sewerage disposal system, so as to protect individual or community water supplies, lakes and streams, and the health and safety of the occupants or the surrounding community.

(Ord. of 10-27-1992, § 6)

**Sec. 74-162. Pit privy.**

Every pit privy shall conform to the following specifications:

- (1) The pit privy must conform to those specifications contained in the rules and manual for on-site sewage management systems, chapter 290-5-26.
- (2) An earth fill shall be placed completely around the base of the privy in such manner as to prevent surface water from entering the pit.
- (3) Whenever sludge in the pit is within 18 inches of the ground surface, the owner shall move the privy to a new location or destroy the privy and build a new one in a new location, and he shall fill the old pit with earth.

(Ord. of 10-27-1992, § 7)

**Sec. 74-163. Septic tank.**

- (a) All septic tanks shall conform to the specifications contained in the rules and manual of on-site sewage management systems, chapter 290-5-26.
- (b) The contractor shall keep a record showing:
  - (1) The property owner's name;
  - (2) Location of all tanks set; and

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- (3) Construction permit number.

This record shall be available for inspection by the department.

(Ord. of 10-27-1992, § 8)

#### **Sec. 74-164. Tile absorption field.**

Tile absorption fields shall conform to the specifications contained in the rules and manual of on-site sewage management systems.

(Ord. of 10-27-1992, § 9)

#### **Sec. 74-165. Garbage grinders.**

When the installation of a garbage grinder is planned, the septic tank capacity shall be increased by 50 percent.

(Ord. of 10-27-1992, § 10)

#### **Sec. 74-166. Sewage removal permit.**

No person shall remove, transport or dispose of any sewage or sewage sludge by portable or mobile container unless he has a valid permit from the department authorizing him to do so. A permit shall be issued to persons who use equipment that will not permit exposure of sewage to the outside air. Such sewage or sewage sludge shall be disposed of by:

- (1) Disposal in a manhole or public sanitary sewer;
- (2) Disposal at a sewage treatment facility; or
- (3) Burial on private premises (with the owner's permission in writing) at least 500 feet from any human habitation and so as not to endanger a water supply.

(Ord. of 10-27-1992, § 11)

#### **Sec. 74-167. Temporary system.**

The prime contractor or owner shall provide a method of sewage disposal at or convenient to every construction site, except where the total construction time is less than 12 hours. Use of chemical toilets, vaults and other temporary sewage holding systems will be permitted by the department, as deemed necessary, provided that section 74-166 is complied with and sanitation practices are adequate.

(Ord. of 10-27-1992, § 12)

#### **Sec. 74-168. Enforcement.**

- (a) Any person violating any provision of this article shall be tried before the magistrate court of the county. The procedure for enforcement of this article shall be as provided in O.C.G.A. §§ 15-10-60—15-10-66.
- (b) Upon conviction, a violation of this article may be punished as provided in section 1-13.

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- (c) All law enforcement agencies, officers and officials of the county or any enforcement agency or officer of the state is authorized, empowered and directed to enforce compliance with this article. The county board of health is authorized to enter at any reasonable time any premises as may be necessary for the enforcement and administration of this article.
  - (d) The City of Hartwell is given the authority to enforce its sewer use ordinance regarding the pretreatment of industrial wastewater and sludge as it applies to users of the city system located in the unincorporated areas of the county.

(Ord. of 10-27-1992, § 13; Res. of 4-27-1993)



## **MEMORANDUM**

Terrell Partain,  
County Administrator  
March 21, 2025

RE: Item 13 A Tar and Gravel Roads Discission

Commissioner Dorsey asked that this be placed on the agenda for a discussion on conditions and maintenance of tar and graveled roads.