

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY) **ORDINANCE NO. 03-06-11**

AN ORDINANCE AMENDING THE REVISED SOLID WASTE MANAGEMENT PLAN PURSUANT TO §44-96-80 OF THE 1976 S.C. CODE OF LAWS.

Pursuant to the authority granted to the County Council for Newberry County under the constitution, statutes and laws of the State of South Carolina,

BE IT ENACTED by the County Council of Newberry County:

1. That Ordinance dated February 16, 2005, previously adopted, with the previous amendments thereto, which was repealed effective with the date of the adoption of Ordinance Number 04-11-09 adopted November 19, 2009.

2. That the newly revised Newberry County Solid Waste Management Plan on November 19, 2009 is hereby incorporated herein by reference, as fully as if set forth verbatim, and is the official Solid Waste Management Plan for Newberry County except as amended by this Ordinance.

3. That said Solid Waste Management Plan shall be amended in Section 4.17 with reference to items accepted for recycling to read as follows:

- Glass is accepted at the convenience centers (Exhibit A) for recycling. It must be separated by color – brown and clear. Green glass shall no longer be accepted for recycling purposes. All food residues must be removed and containers rinsed.

The County has determined that there is no longer a market for green glass recycling and has determined that it shall, upon adoption of this Ordinance, be placed in non-recycling solid waste containers.

4. That said Solid Waste Management Plan shall be enforceable under both the criminal and civil laws of this State, with criminal violations being punishable in the discretion of the Court to the maximum extent permissible under South Carolina law for a violation of a County Ordinance, with each day’s violation being treated as a separate offense. In addition, relief for any alleged violation of the Solid Waste Management Plan may be sought by the County by an action for temporary or permanent injunctive relief, or for damages or for civil fines, as the Court shall determine appropriate under the circumstances.

5. The Zoning Administrator, or his/her deputy, the Director of Planning, the Building Official and his/her deputy, the Director of Public Works, or his/her designated deputy, and any other person duly commissioned as a Code Enforcement Officer by Newberry County, or any duly commissioned law enforcement officer, are specifically authorized to enforce these Code provisions by all methods authorized under law for violations of County Ordinances generally, including the issuance of Ordinance Summonses for violations.

6. That as provided in the adopted Solid Waste Management Plan and by S.C. Code §44-96-80(O), any future amendment of this Plan may be adopted by official action of Newberry County Council taken in meeting duly assembled, in the same manner as provided for in the initial plan.

7. If any provision of this Ordinance is determined to be unconstitutional or otherwise unlawful, the other provisions herein, which are unaffected by such ruling, shall continue in full force in effect, and shall be enforced accordingly.

AND IT IS SO ORDAINED by Newberry County Council this 20th day of April 2011 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Henry H. Livingston, III, Chairman

Attest:

Laurie N. Renwick, Clerk to Council

1st reading: March 16, 2011
2nd reading: April 6, 2011
3rd reading: April 20, 2011

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator