

## ARTICLE III. LITTER CONTROL\*

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\*State enabling legislation reference--Authority to prohibit littering rights-of-way, § 2-38(11).

**State law references:** Litter Control Law, O.C.G.A. § 16-7-40 et seq.; littering highways, O.C.G.A. § 40-6-249.

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### **Sec. 102-91. Purpose and title.**

The governing authority is authorized to adopt ordinances for governing and policing of unincorporated areas of the county for the purpose of preserving and protecting the public health, safety, and welfare through the regulation and prevention of litter.

(1) *Objectives.* The objectives of this article are:

- a. Provide for uniform prohibition throughout the county of any and all littering on public or private property; and,
- b. Prevent the desecration of the beauty and quality of life of the county and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

(2) *Applicability.* This article shall apply to all public and private property within the county.

(3) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(4) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

Specifically, the governing authority may provide for the regulation and control of litter, O.C.G.A. § 36-1-20(a). The board of commissioners hereby enacts the following provisions in an effort to regulate and control litter in the unincorporated areas of the county for the purpose of protecting and preserving the public health, safety and welfare of its citizens.

(Ord. of 10-22-96; Ord. of 12-9-03)

### **Sec. 102-92. Littering public or private property or waters.**

(a) It shall be unlawful for any person or persons to dump, throw or leave litter on any public or private property in the unincorporated areas, unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a litter receptacle or container installed on such property in such a manner as to prevent it from being carried and deposited by the elements upon any public or private property.

(b) It shall be unlawful for any person to operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately covered and secured to prevent the dropping or shifting of materials from such load onto the roadway.

(c) Public or private property as used in this section only, shall mean the right-of-way or any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.

(d) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Any person who violates subsection 102-92(a) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(1) If litter is ten pounds in weight or less or 15 cubic feet in volume or less, by a fine as set forth in section 12-14 of this chapter; or

(2) If litter is in excess of ten pounds in weight or 15 cubic feet in volume, notwithstanding the fines set forth in section 102-14 of this chapter, by a fine of \$1,000.00 for each occurrence and each occurrence shall be deemed a separate offense.

(3) In addition to the fines set out in subsections (1) and (2) above, the violator shall reimburse the county for the reasonable cost of removing the litter when the litter is or is ordered removed by the county; and

(4) In the sound discretion of a court in which a conviction is obtained, the violator may be directed to pick up and remove from any public right-of-way for a distance not to exceed one mile any litter the person has deposited thereon by anyone: and/or repair or restore property damaged by such littering prior to the date of execution of sentence; or In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

(5) The court may publish the names of persons convicted of violating this article.  
(Ord. of 10-22-96; Ord. of 12-9-03)

### **Sec. 102-93. Vehicle loads causing litter.**

No person shall drive or move any vehicle within the county unless such vehicles are so constructed or loaded as to prevent any load, contents or litter contained therein from being blown or deposited upon any street, alley or other public place. Additionally, no person shall drive or move any loaded truck or vehicle upon any county road with direct ingress and egress to any solid waste disposal facility or site operated by the county unless such vehicle and the load therein is covered by canvas or other material providing complete coverage, properly secured, so as to prevent any load, contents or litter from becoming loose, detached or blown from the vehicle, or from dropping or escaping from the vehicle during the movement thereof.

(Ord. of 10-22-96)

### **Sec. 102-94. Newspapers distributed without charge.**

Newspapers may be distributed without charge to private residential premises so long as upon any request from a person to be removed from the company's distribution list, the name is removed. Any person who distributes a newspaper or any entity that causes a newspaper to be distributed after having received notice from a person to be removed from the distribution list shall be in violation of this article.  
(Ord. of 10-22-96)

**Sec. 102-95. Prima facie evidence: rebuttable presumption.**

(a) Whenever litter is thrown, deposited 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.

(b) Whenever any litter is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings, which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(Ord. of 10-22-96; Ord. of 12-9-03)

**Sec. 102-96. Enforcement.**

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Unless otherwise specially provided by resolution of the board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the manager of the solid waste department or his or her designees or employees and all law and code enforcement personnel who shall have such powers as are reasonably necessary to enforce and give effect to this chapter. Specifically, but not by way of limitation, any violation of this chapter may be tried upon citations issued by enforcement personnel pursuant to O.C.G.A § 15-10-63 and any successor statute.

(Ord. of 10-22-96; Ord. of 12-9-03)

**Sec. 102-97. Enforcement of other laws, rules, or regulations not limited.**

Nothing in this part shall limit the authority of any state or local agency to enforce any other laws, rules, regulations or ordinances relating to litter or waste.

(Ord. of 10-22-96)

Secs. 102-98--102-110. Reserved.