

## ARTICLE IV. - LITTER CONTROL

*Footnotes:*

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**State Law reference**— *Litter Control Law, O.C.G.A. § 16-7-40 et seq.*

### Sec. 26-81. - Purpose and intent.

The purpose of this article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are to:

- (1) Provide for uniform prohibition throughout the incorporated city and of any and all littering on public or private property;
- (2) Prevent the desecration of the beauty and quality of life of the city; and
- (3) Prevent harm to the public health, safety, environment, and general welfare, including prevention of communicable disease and degradation of water and aquatic resources caused by litter.

(Ord. No. 12-2006, § 62.49, 11-6-2006)

### Sec. 26-82. - 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:

*Handbill* means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, flyer or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, product, commodity, service, business, opportunity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged; or
- (4) While containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and economic gain of any person so engaged as advertiser or distributor; and
- (5)

Handbills for political, charitable and other nonprofit purposes are exempt from this article.

*Litter* means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not egregious litter as such term is defined in O.C.G.A. § 16-7-51(4).

*Private property* means any dwelling house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

*Property open to the public* means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any public park, playground, building, refuge, or conservation or recreation area; lumber lands or forests; and residential, institutional, commercial or industrial properties.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

(Code 1998, § 62-46; Ord. No. 18-95, § VII(5-3-1), 11-6-1995; Ord. No. 12-2006, § 62.50, 11-6-2006)

#### Sec. 26-83. - Applicability.

This article shall apply to all property open to the public and to all private property within the incorporated city.

(Ord. No. 12-2006, § 62.51, 11-6-2006)

#### Sec. 26-84. - Abrogation and greater restrictions.

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 ordinance, 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.

(Ord. No. 12-2006, § 62.52, 11-6-2006)

#### Sec. 26-85. - Prohibition against littering on public or private property or waters.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any property open to the public or private property in the city or any waters in the city unless:

- (1) The area is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter;
- (2) Such person is authorized by the proper public authority to use such area for such purposes; and
- (3) The litter is placed into a nondisposable receptacle or container installed on such property designed for the temporary storage of litter and located in an area designated by the owner or tenant in lawful possession of the property; or
- (4) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

(Code 1998, § 62-47; Ord. No. 18-95, § VII(5-3-2), 11-6-1995; Ord. No. 12-2006, § 62.53, 11-6-2006)

Sec. 26-86. - Provision of litter receptacles.

All commercial businesses and institutions patronized by the public shall place and maintain on the exterior of their premises in places easily accessible by the public receptacles for the deposit of litter at appropriate locations where the property is frequented by the public and to post signs directing people to the receptacles.

(Ord. No. 12-2006, § 62.54, 11-6-2006)

Sec. 26-87. - Distribution of handbills.

- (a) *Private property.* It shall be unlawful for any person to throw, deposit, leave, place or cause or permit the throwing, depositing, leaving or placing of any handbill, unless exempted by this article, upon any private property if the mailbox is specifically marked with the identifying insignia which signifies that the occupant does not wish to receive handbills. The identifying insignia is to be posted on the bottom right corner of the mailbox door, the insignia will be green, state "Handbills" with the universal insignia for "no" superimposed over "Handbills," and identify the enforcing ordinance. This insignia must be provided by the city.
- (b) *Prohibition on vacant property.* No person shall throw, deposit, leave, place or cause or permit the throwing, depositing, leaving or placing of any handbill, upon any private property which is vacant and which could be reasonably ascertained to be vacant.
- (c)

*Manner of placing on property.* Unless private property is posted as provided in subsection (a) of this section, or vacant as provided in subsection (b) of this section, or unless requested by anyone upon such premises not to do so whether such private property is posted as provided in subsection (a) of this section or not, the person distributing the handbills may place or deposit any such handbill in or upon such inhabited private property as provided in subsection (a) of this section.

- (1) Such handbill may be placed on doorknob hangers provided by the person distributing the handbill; or
  - (2) Such handbill may be placed or deposited on inhabited private property if such handbill is placed or deposited in a manner that is reasonably designed to secure or prevent such handbill from being blown or drifted about such private property or property open to the public, including streets, stormwater catchment and conveyance systems and other public places.
- (d) *Mailboxes.* Nothing in this article authorizes placing handbills in mailboxes when such use is prohibited by federal law or by postal regulations.
- (e) *Property open to the public.* No person shall throw, deposit, leave, place or cause or permit the throwing, depositing, leaving or placing of any handbill, unless exempted by this article, upon any property open to the public; provided, however, it shall not be a violation of this article for any person to hand out or to distribute without charge to the receiver thereof any handbill to any person willing to receive it.
- (f) *Vehicles.* No person shall throw, deposit, leave, place or cause or permit the throwing, depositing, leaving or placing of any handbill, unless exempted by this article, upon any vehicle, provided, however, it shall not be a violation of this article for any person to hand out or to distribute without charge to the receiver thereof any handbill to any occupant of a vehicle who is willing to receive it.
- (g) *Public utility poles, trees and other structures.* No person shall throw, post or affix any handbill upon any public utility pole, tree, lamppost or upon any other public structure except as may be authorized or required by law.

(Ord. No. 12-2006, § 62.55, 11-6-2006)

Sec. 26-88. - Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(Ord. No. 12-2006, § 62.56, 11-6-2006)

Sec. 26-89. - Violations enforcement and penalties.

(a) *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.

(b) *Evidence.*

(1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated this article.

(2) Except as provided in subsection (b)(1) of this section, whenever any litter is dumped, deposited, thrown or left on public or private property in violation of this article and is discovered to contain any articles, including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this article.

(c) *Penalties.* Any person who violates this article shall be punished as follows:

(1) By a fine of not less than \$200.00 and not more than \$200.00;

(2) In addition to the fine set out in subsection (c)(1) of this section, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city; and

(3) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public street or highway or public right-of-way, for a distance not to exceed one mile, any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(4) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any property open to the public, any 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. Pickup 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.

(d) *Enforcement.* Any law enforcement officer authorized to enforce county ordinances within the city is hereby authorized, empowered and directed to enforce compliance with this article.

(Code 1998, § 62-48; Ord. No. 18-95, § VII(5-3-3), 11-6-1995; Ord. No. 12-2006, § 62.57, 11-6-2006)

Secs. 26-90—26-106. - Reserved.