

ARTICLE VII **LITTER CONTROL**

SECTION 111-209. 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:

“*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 "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

“*Public or private property*” means the right of way of 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; timberlands or forests; and residential, commercial, industrial, or farm properties.

SECTION 111-210. Penalties.

Any person found guilty of violating the provisions of this article shall on conviction thereof be punished as provided in section 1-11 of the Code of Cumming, Georgia. In addition to any fine, 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. In sound discretion of the court, additional penalties may be imposed, including:

- (1) The person may be directed to pick up and remove 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
- (2) 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. Pickup and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
- (3) The court may publish or direct the publication of the names of persons convicted of violating this article.

SECTION 111-211. Enforcement.

All law enforcement agencies, officers and officials of this state or any public 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.

SECTION 111-212. Evidence.

- (a) 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.
- (b) Except as provided in this section, whenever any litter which 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 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, it shall be a rebuttable presumption that such person has violated this article.

SECTION 111-213. 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 article or may be restrained by injunction or otherwise sentenced in a manner provided by law.

SECTION 111-214. 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.

SECTION 111-215. Objectives.

The objectives of this article are to:

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

SECTION 111-216. Applicability.

This article shall apply to all public and private property within the City of Cumming, Georgia.

SECTION 111-217. 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 chapter, article, 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.

SECTION 111-218. Prohibition Against Littering 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 public or private property in City of Cumming or any waters in the City of Cumming unless:

- (a) 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;
- (b) The litter is placed into a receptacle or container installed on such property; or,
- (c) 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.

SECTION 111-219. 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.

SECTION 111-220. Proper Disposal.

All discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at constructions sites that may cause adverse impacts to water quality must be properly disposed of in a sanitary landfill.

SECTION 111-221. Conflict With Other Ordinances.

- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 111-222. Severability.

If the provisions of any 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 section, subsection, paragraph, subdivision or clause of this article.

SECTION 111-223 –111-248. Reserved.