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11 **CITY OF FAIRBURN**

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15 **LITTER CONTROL ORDINANCE**

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18 **Description:**

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20 *Litter found throughout our community often finds its way into our streams, rivers and lakes and detracts*  
21 *from our quality of life. Pollutants carried into our streams, rivers, and lakes by litter, diminish the quality of*  
22 *our water and its aquatic resources. Litter control ordinances provide a prohibition against littering and*  
23 *provide an enforcement mechanism with penalties for dealing with those found littering.*

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25 *This ordinance is modeled on the "Georgia Litter Control Law" (O.C.G.A. § 16-7-40 et. seq.) and adoption*  
26 *of this ordinance is authorized by O.C.G.A. § 16-7-48.*

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### 3Section 1. General Provisions

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#### 51.1. Purpose and Intent

6The purpose of this ordinance is to protect the public health, safety, environment, and  
7general welfare through the regulation and prevention of litter. The objectives of this  
8ordinance are:

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10(1) Provide for uniform prohibition throughout the **City** of any and all littering on public or  
11 private property; and,

12

13(2) Prevent the desecration of the beauty and quality of life of the **City** and prevent  
14 harm to the public health, safety, environment, and general welfare, including the  
15 degradation of water and aquatic resources caused by litter.

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#### 171.2. Applicability

18This ordinance shall apply to all public and private property within the **City**.

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#### 201.3. Compatibility with Other Regulations

21This ordinance is not intended to interfere with, abrogate, or annul any other ordinance,  
22rule or regulation, statute, or other provision of law. The requirements of this ordinance  
23should be considered minimum requirements, and where any provision of this ordinance  
24imposes restrictions different from those imposed by any other ordinance, rule or  
25regulation, or other provision of law, whichever provisions are more restrictive or impose  
26higher protective standards for human health or the environment shall be considered to take  
27precedence.

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#### 291.4. Severability

30If the provisions of any article, section, subsection, paragraph, subdivision or clause of this  
31ordinance shall be judged invalid by a court of competent jurisdiction, such order of  
32judgment shall not affect or invalidate the remainder of any article, section, subsection,  
33paragraph, subdivision or clause of this ordinance.

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## 1Section 2. Definitions

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3“City” means the City of Fairburn, Georgia.

4“Litter” means any organic or inorganic waste material, rubbish, refuse, garbage, trash,  
5hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and  
6glass containers, broken glass, dead animals or intentionally or unintentionally discarded  
7materials of every kind and description which are not "waste" as such term is defined in  
8O.C.G.A., §16-7-51, paragraph 6.

9“Public or private property” means the right of way of any road or highway; any body of  
10water or watercourse or the shores or beaches thereof; any park, playground, building,  
11refuge, or conservation or recreation area; timberlands or forests; and residential,  
12commercial, industrial, or farm properties.

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## 15Section 3. Prohibition Against Littering Public or Private Property or 16 Waters

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18It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause  
19or permit the dumping, depositing, placing, throwing or leaving of litter on any public or  
20private property in this City or any waters in this City unless:

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22(1) The property is designated by the State or by any of its agencies or political  
23 subdivisions for the disposal of such litter, and such person is authorized by the  
24 proper public authority to use such property;

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26(2) The litter is placed into a receptacle or container installed on such property; or,

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28(3) The person is the owner or tenant in lawful possession of such property, or has first  
29 obtained consent of the owner or tenant in lawful possession, or unless the act is  
30 done under the personal direction of the owner or tenant, all in a manner consistent  
31 with the public welfare.

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## 34Section 4. Vehicle Loads Causing Litter

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

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## 6 **Section 5. Violations, Enforcement and Penalties**

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### 8 **85.1 Violations**

9 It shall be unlawful for any person to violate any provision or fail to comply with any of  
10 the requirements of this ordinance. Any person who has violated or continues to violate  
11 the provisions of this ordinance, may be subject to the enforcement actions outlined in this  
12 section or may be restrained by injunction or otherwise sentenced in a manner provided by  
13 law.

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### 15 **5.2 Evidence**

16 (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle,  
17 boat, airplane, or other conveyance in violation of this ordinance, it shall be prima  
18 facie evidence that the operator of the conveyance has violated this ordinance.

19

20 (2) Except as provided in subsection (1), whenever any litter which is dumped,  
21 deposited, thrown or left on public or private property in violation of this ordinance  
22 is discovered to contain any article or articles, including but not limited to letters,  
23 bills, publications or other writing which display the name of the person thereon in  
24 such a manner as to indicate that the article belongs or belonged to such person, it  
25 shall be a rebuttable presumption that such person has violated this ordinance.

26

### 27 **5.3 Penalties**

28 Any person who violates this ordinance shall be guilty of a violation and, upon conviction  
29 thereof, shall be punished as follows:

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31 (1) By a fine of not less than \$200 and not more than \$1,200; and

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33 (2) In addition to the fine set out in subsection 1 above, the violator shall reimburse the  
34 **City** for the reasonable cost of removing the litter when the litter is or is ordered  
35 removed by the **City**; and

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1(3) (A) In the sound discretion of the court, the person may be directed to pick up  
2 and remove from any public street or highway or public right-of way for a distance  
3 not to exceed one mile any litter he has deposited and any and all litter deposited  
4 thereon by anyone else prior to the date of execution of sentence; or

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6 (B) In the sound discretion of the court, the person may be directed to pick up  
7 and remove any and all litter from any public property, private right-of-way, or  
8 with prior permission of the legal owner or tenant in lawful possession of such  
9 property, any private property upon which it can be established by competent  
10 evidence that he has deposited litter. Pick up and removal shall include any and all  
11 litter deposited thereon by anyone prior to the date of execution of sentence; and,

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13(4) The court may publish the names of persons convicted of violating this ordinance.

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#### 155.4 Enforcement

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

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