

ORDINANCE NO. 04-03-012

TO AMEND TITLE 8 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES WHICH PROVIDES FOR HEALTH AND SAFETY; TO AMEND CHAPTER 8.04 ENTITLED "LITTERING"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

**SECTION 1.** Chapter 8.04 of the Code of Ordinances of the City of Locust Grove, Georgia, is hereby amended by striking Chapter 8.04 in its entirety and substituting in lieu thereof Chapter 8.04 entitled "Littering" as follows:

**Section 8.04.010 Purpose and Intent.**

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

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

**Section 8.04.020 Definitions.**

As used in this Chapter, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

"Litter" means all discarded sand, gravel, slag, brickbats, rubbish, organic or inorganic waste material, tin cans, refuse garbage, trash, paper, dead animals, cardboard, debris, glass, hulls, peelings, grass, weeds, ashes, metal, plastic, 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, alley, street or highway; any body of water or watercourse thereof; any park, playground, building refuge or conservation or recreation area; and any residential, commercial, industrial or farm properties, timberlands, or forest.

**Section 8.04.030      Receptacles to be provided.**

The chief of police or his or her designee is authorized, empowered and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where public property is frequented by the public, and to post signs directing persons to such receptacles and serving notice of the provisions of this Chapter, and to otherwise publicize the availability of litter receptacles and requirements of this Chapter.

**Section 8.04.040      Acts constituting littering designated - Prohibited when.**

It is 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 this city, or any waters in this city, unless:

- A. Such property is designated by the city for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- B. Such litter is placed into a litter receptacle or container installed on such property; or
- C. Such 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 said owner or tenant, all in a manner consistent with the public welfare.

**Section 8.04.050      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 8.04.060      Violation - Prima facie evidence.**

- A. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this Chapter, it shall be prima facie evidence that the operator of such conveyance shall have violated this Chapter.
- B. Except as provided in subsection A of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this chapter 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 Chapter.

**Section 8.04.070      Violations - Penalty.**

- A. Any person violating the provisions of Section 8.04.040 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine to be set by the presiding judge, of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000), and/or in the sound discretion of the court, any such person may be directed by the judge of said court to pick up and remove from any public street, alley, highway or public right of way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or in the sound discretion of the judge of the court, the person may be directed to pick up and remove from any public park or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.
- B. The court may publish the names of persons convicted of violating the provisions of this Chapter.

**SECTION 2.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually

dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

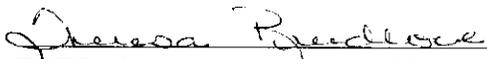
**SECTION 4. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 1<sup>ST</sup> day of March, 2004.

  
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LORENE LINDSEY, Mayor

ATTEST:

  
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THERESA BREEDLOVE, City Clerk

(Seal)

FIRST READING/  
ADOPTION: 3-1-04

Version 1