**ORDINANCE OF DODGE COUNTY, GEORGIA**

**FOR LITTER CONTROL**

WHEREAS the unlawful dumping of litter in Dodge County creates a health hazard for the citizens and residents of the County;

WHEREAS the unlawful dumping of litter causes considerable additional expense to the County to clean the same up;

WHEREAS it appears that nonresidents of Dodge County have been dumping litter in

dumpsters provided for the residents of Dodge County causing additional expense to Dodge County.

NOW THEREFORE, be it resolved that the following Litter Control Ordinance be adopted and the same is hereby adopted, to wit:

**DEFINITIONS**

**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, tires, 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.

**Prima Facie:** means a legal claim having enough evidence to proceed to trial or judgment.

**LITTER CONTROL**

**Section 1. Dumping and accumulation of litter.**

1. **GENERALLY,**

It shall be unlawful for any person to dump, deposit, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any road or street or public or private property or waterways in the County, unless:

1. The property is designated by the state or county or by any of their agencies for the disposal of litter and the person is authorized by proper public authority to use such property;
2. The litter is placed into a litter receptacle, container or dumpster installed on such property and designated for the disposal of litter; or
3. 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.
4. **UNLAWFUL DUMPING.**

No person shall place any litter or household trash in any street, median strip, alley or other public place of travel, nor upon any private property of another except with the written consent of the owner thereof, and then only in accordance with the provisions of this chapter.

1. **BLOCKAGE OF DRAINAGE.**

No person shall place any refuse, trash, or refuse receptacles or containers on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.

1. **UNAUTHORIZED STORAGE.**

Any accumulation of litter or rubbish items on any lot, property, premises, public street, alley or other private or public place not permitted by this chapter or that migrates to another’s property is hereby declared to be a nuisance. Failure of the owner or occupant to remove and correct any such accumulation or refuse after appropriate notice from the Board of Commissioners or its designee shall raise the presumption that such person intended to violate this chapter.

1. **APPLIANCES.**

It shall be unlawful for any person to leave outside any building in a place accessible to children of any appliance, refrigerator or other container which has an airtight snap lock or similar device without first removing them from the lock or door. This section shall not apply to any appliance, refrigerators or container which has been placed on or adjacent to the rear of a building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

1. **UNSECURED LOAD.**

It shall be unlawful for any vehicle transporting loose materials on any road or street to transport the materials without suitable covers securely fastened to the vehicle, provided that the transported materials present a danger of falling from the vehicle. This section shall not apply to the transportation of poultry, livestock, silage, or other feed grain used in the feeding of poultry or livestock, or in the transport of any agricultural products, materials, or supplies.

1. **USED TIRES.**

No person shall accumulate used tires in such a manner as to pose a danger to the public health, safety and welfare.

**Section 2. PUBLIC DUMPSTERS.**

1. **LOCATION.**

The Commissioners shall designate areas in the county where dumpsters intended to be for public use may be located and maintained. These dumpsters shall be located on public property, along the right-of-way of public roads, or streets, or on private property with the express consent of the owner in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.

1. **USE BY COUNTY RESIDENTS ONLY.**

It shall be unlawful for any person or persons of the county to place or deposit any litter, household trash or other material of any kind not generated in the boundaries of the county in these dumpsters. The dumpsters shall carry a placard or sign stating that they are intended solely for the use of residents of the county and that it is unlawful to deposit anything other than garbage or household trash therein.

1. **INDUSTRIAL/ CONSTRUCTION WASTE.**

It shall be unlawful to place or deposit **industrial waste, building materials, tires** or **commercially collected garbage** in the dumpsters unless they are specifically designated for such use by the Commissioners or their designee.

1. **HAZARDOUS REFUSE.**

 It shall unlawful to place or deposit any hazardous refuse of any kind in the dumpsters.

1. **ASHES.**

Ashes deposited in the dumpsters must be wetted and cool to the touch prior to being placed or deposited in the dumpsters.

1. **COMBUSTIBLE LIQUIDS.**

 No highly combustible liquids shall be placed or deposited in the dumpsters.

1. **TOXIC MATERIALS.**

No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and wellbeing of the collection personnel or residents of the county or which would pose a danger to the wildlife of the county shall be placed or deposited in the dumpsters.

1. **GARBAGE BAGS.**

**It shall be unlawful to place or deposit any garbage or household trash in the dumpsters without first placing and securing in a garbage bag of suitable strength and thickness**. Objects which could puncture the garbage bag in the course of the ordinary and intended except objects used thereof shall be wrapped or protected so that the bag shall remain intact except for objects that are too large for bags.

1. **DEPOSITING TRASH OUTSIDE OF DUMPSTER.**

 It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to the dumpsters or in any location other than the dumpsters. Any person using the dumpsters shall clean up any spills caused by his or her use of the dumpsters and shall not drop or discard any garbage or household trash in the area surrounding the dumpsters.

1. **DEAD ANIMALS.**

Dead animals shall not be placed or deposited in or near the dumpsters.

1. **LIMIT ON AMOUNT OF TRASH.**

It shall be unlawful to deposit rubbish in any dumpster which is already filled to capacity.

**SECTION 3. SCAVENGING.**

It shall be unlawful for any person to scavenge or in any way interfere with the contents of any public dumpster or any public landfill or public waste disposal area.

**Section 4. PRIVATE LITTER CONTROL.**

1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated jointly and severally, to provide litter containers of that character, size, number and type as may be required to hold litter generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages and schools.
2. Property owners and prime contractors in charge of a construction site shall be jointly and where severally required to furnish litter containers for discarded building materials and other construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.

 **Section 5. EVIDENCE**

1. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be **prima facie evidence** that the operator of the conveyance has violated this ordinance.
2. Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance 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 ordinance.

**Section 6. PENALTIES.**

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

1. By a fine of and not more than $1,000; and
2. In addition to the fine set out in subsection 1 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

1. In the sound discretion of the court, 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. 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,
3. The court may publish the names and pictures of persons convicted of violating this ordinance.

**Section 7. ENFORCEMENT**

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

 Official Code of Georgia § 16-7-43(d) provides procedures for local governments to appoint individuals, in addition to traditional law enforcement officials, to enforce the provisions of this ordinance