

ORDINANCE

AN ORDINANCE TO AMEND ARTICLE II ENTITLED "LITTER CONTROL" OF CHAPTER 34 ENTITLED "SOLID WASTE" OF THE CODE OF ORDINANCES OF GRADY COUNTY, GEORGIA, TO DEFINE CERTAIN TERMS REGARDING SOLID WASTE, TO ESTABLISH PUNISHMENT REGARDING VIOLATION OF THE ORDINANCE, TO ESTABLISH PRESUMPTIONS REGARDING EVIDENCE OF ORDINANCE VIOLATION, TO ESTABLISH AN EFFECTIVE DATE, TO ELIMINATE CONFLICTS WITH PRIOR ORDINANCES.

BE IT ORDAINED by the authority of the Grady County Board of Commissioners that Article 2 entitled "Litter Control" of Chapter 34 entitled "Solid Waste" of The Grady County Code of Ordinances be amended as follows:

Section 1.

By changing section 34-27 to section 34-28 and adding new section 34-27 as follows:

Sec. 34-27. Definitions

"Litter" means all discarded sand, gravel, slag, brickbats, rubbish, waste material, metal cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term as defined within O.C.G.A. §16-7-51 (6).

Section 2.

By changing section number 34-27 to 34-28, deleting existing section (c) and inserting a changed section (c) and a new section (d) to read as follows:

Sec. 34-28. Use of Bins and Receptacles provided by County

- (a)
- (b)
- (c) No person, business or entity of any type shall set fire to the contents of or indiscriminately scatter or disburse the contents of or otherwise vandalize the containers provided by

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 the execution of sentence.

3. The Court may require the offender to pay the cost of publishing the name of the person convicted of violating this ordinance.

4. By confinement within the County Jail for a period not to exceed 60 days.

Section 3.

By adding a new section as follows:

Sec. 34-29. **Littering on public or private property or on waters**

(a) It shall be unlawful for any person or persons to dump, deposit, throw, leave or cause to permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property within this County or any waters within this County unless;

(1) The property is designated by the State or County for the disposal of litter and the person is authorized by the proper public authority to use such property, or

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

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

Section 4.

By adding a new section as follows:

Sec. 34-30. **Prima Facie Evidence Rebuttable Presumption**

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 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 5.

By adding a new section as follows:

Sec. 34-31. Enforcement of this Ordinance

All law enforcement agencies, officials of the State of Georgia or Grady County or any official of any commission of the State of Georgia or member of the Board of Commissioners is authorized, empowered and directed to enforce the compliance of this ordinance.

Section 6.

Nothing in this ordinance shall be construed to prohibit the enforcement of state law as set forth within O.C.G.A. §16-7-40 et sec. regulating and controlling litter within the limits of Grady County. Violations of state law will be punished as set forth within §16-7-40 et sec.

Section 7.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon passage by the Grady County Board of Commissioners.

Section 8.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 18th day of July, 2000.

By: Charles D. H. [Signature]