

AN ORDINANCE OF THE TOWN OF BRASELTON TO AMEND SECTION 31-113 OF THE TOWN OF BRASELTON CODE OF ORDINANCES TO PROVIDE RULES AND REGULATIONS REGARDING LITTER CONTROL

WHEREAS, it has been determined by the Mayor and Town Council that it is necessary and desirable to amend Section 31-113 of the Town of Braselton Code of Ordinances, to provide the Town of Braselton with the authority to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter; and WHEREAS, the Mayor and Council of the Town of Braselton have authority to adopt and amend ordinances for the general welfare of the citizens of the Town;

NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL HEREBY ORDAIN AND IT IS HEREBY ORDAINED BY AUTHORITY OF SAME: The Town of Braselton Code of Ordinances Sections 31-113 amended by of said Code in their entirety.

RED OR ITALICS – AMENDED OR PROPOSED ADDITIONS

Section 31-113 Litter Control

1. General Provisions

- A. Purpose and Intent. The purpose of this section is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this section are:
- (1) Provide for uniform prohibition throughout the Town of Braselton of any and all littering on public or private property; and,
 - (2) *Provide for uniform prohibition throughout the Town of Braselton any and all accumulation of litter on private property; and,*
 - (3) Prevent the desecration of the beauty and quality of life of the Town of Braselton and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- B. Applicability. This section shall apply to all public and private property within the Town of Braselton.
- C. Compatibility with Other Regulations. This section 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 section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other 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.

D. Reserved.

2. Definitions

- A. 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.
- B. 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.
- C. *Container An object to be used to hold things.*
- D. *Dumpster A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal.*
- E. *Putrescible liable to decay or spoil or become putrid.*

3. **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 the Town of Braselton or any waters in the Town of Braselton unless:
- A. The property is designated by the Town of Braselton, 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 *dumpster*, receptacle or container installed on such property *with such dumpster, receptacle, and container in compliance with all other applicable local and state regulations.*
- 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.~~
4. **Maintenance of property.** *Every person or entity owning or occupying private property shall maintain the property free of litter or any condition which may render the premises or property to be unhealthy, unsanitary, unsightly, or unaesthetic to the occupants thereof, the neighborhood or the community at large.*
- A. Conditions of Violation. *the existence of any one of the following conditions on property shall be a violation of this section and this article:*
- (1) *Uncontainerized litter.*
 - (2) *Uncovered dumpsters of all kinds and types, except for temporary dumpsters used for construction activities.*
 - (3) *Improperly containerized litter or solid waste that results in an overflow condition from the container resulting in litter being visible above the lid of the container or litter spilling over onto the adjacent ground.*
 - (4) *Litter from putrescible waste resulting in noxious odors adversely affecting the occupants of the property or surrounding properties.*
 - (5) *Litter from putrescible waste that results in insect or rodent infestations that adversely affect the public health, safety, and environment.*
 - (6) *Exterior storage of junk or other unsightly materials.*
5. **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 4 is adapted from O.C.G.A. § 40-6-254)
6. **Construction Site Litter Control.** Construction site operators shall control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste to prevent it from entering or causing adverse impacts to the City Separate Storm Sewer System or state waters.
7. **Violations, Enforcement and Penalties**
- A. Violations. It shall be unlawful for any person or entity to violate any provision or fail to comply with any of the requirements of this section. Any person or entity who has violated or continues to violate the provisions of this section, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.
- B. Evidence.
- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this section, it shall be prima facie evidence that the operator of the conveyance has violated this section.
 - (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 section 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 section.

(3) *The continued existence and accumulation of litter on private property in violation of this section shall be prima facie evidence of the private property owner has violated this section.*

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

(1) By a fine of not less than \$200 and not more than *\$1,000*; and

(2) In addition to the fine set out in subsection (1) above, the violator shall reimburse the Town of Braselton for the reasonable cost of removing the litter when the litter is or is ordered removed by the Braselton Municipal Court; and

(3) 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 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,

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

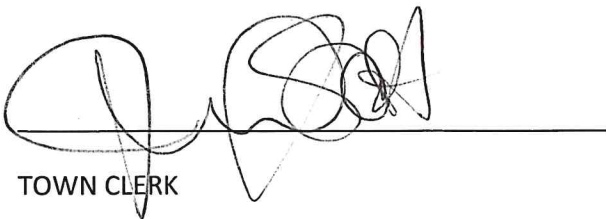
D. Enforcement. All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance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

SO ORDAINED THIS 14th DAY OF February 2022.



MAYOR

ATTEST:



TOWN CLERK