AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER

02-O-1968

AN ORDINANCE TO AMEND ARTICLE II, SECTION 130 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE FOR INCREASED PENALTIES FOR ILLEGAL DUMPING OR DEPOSITS ON STREETS, SIDEWALKS OR THE PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, it is the goal of the City of Atlanta to continue to promote the safety, health, peace, and general welfare of the city and its inhabitants; and

WHEREAS, the Department of Public Works for the City of Atlanta continues to work towards these goals; and

WHEREAS, the amount of illegally dumped, discarded and deposited waste on streets and sidewalks throughout the City continues to grow; and

WHEREAS, the prevalence of illegally dumped, discarded and deposited waste throughout the City threatens the continued safety, health, peace, and general welfare of the City and its inhabitants; and

WHEREAS, the continued presence of illegally dumped, discarded and deposited waste on the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the City of Atlanta must create penalties that will increasingly discourage illegal dumping or negative diversion; and

WHEREAS, the City of Atlanta must not only create increased penalties but also work to enforce them; and

WHEREAS, the numerous departments and officials within the City of Atlanta must cooperate with neighborhoods and citizens to prevent and alleviate this problem.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Section 130-4. Throwing trash upon streets, sidewalks or public places shall be amended, so that the new Section 130-4 shall read as follows:

Section 130-4. Throwing, depositing, or disposing of garbage, trash, yard waste and solid waste upon streets, sidewalks, public places, public property and public rights-of-way.

(a) *Prohibited conduct.* It shall be unlawful for any person to:

(1) Throw, deposit or discard debris, uncontainerized garbage, litter, trash, solid waste or uncontainerized yard waste upon the streets, sidewalks, public places, public property and public rights-of-way within the city.
(2) Place, throw, deposit or discard nails, tacks, glass or any similar substance, object or objects which would be likely to injure the feet of persons or animals or cut or puncture tires or vehicles, upon the streets, sidewalks, public places, public property and public rights-of-way within the city.

(b) *Penalties.* Penalties for any person violating this section shall be as follows:

(1) Where the volume of debris, garbage, litter, trash, solid waste or yard waste discarded is less than fifteen (15) gallons, a conviction for violation of this section shall subject the violator to penalties as provided below:

a. *First offense.* A fine not less than $50.00 or community service not to exceed twenty (20) hours, or both.
b. *Second offense.* A fine not less than $75.00 or community service not to exceed fifty (50) hours, or both.
c. *Third offense.* A fine not less than $100.00 or community service not to exceed one-hundred (100) hours, or both.

In addition to the above penalties, the violator may be required to pick up and remove from any public street or highways, or any public right-of-way in the City of Atlanta for a distance of twenty-five (25) meters in either direction from the site of the infraction any debris, garbage, litter, trash, solid waste or yard waste including but not limited to materials thrown or deposited by violator.

(2) Where the volume of debris, garbage, litter, trash, solid waste or yard waste discarded is fifteen (15) gallons or greater, a conviction for violation of this section shall subject the violator to the following mandatory penalties:

a. *First offense.* A fine not less than $250.00 and not more than $500.00 or imprisonment not to exceed thirty (30) days, or both.
b. Second offense. A fine not less than $500.00 and not more than $1,000.00 or imprisonment not to exceed sixty (60) days, or both.
c. *Third offense.* A fine not less than $1000.00 or imprisonment not to exceed six (6) months, or both.

In addition to the penalties above, the violator must be directed to pick up and remove from any public park, private right-of-way or, with the 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 the violator has discarded debris, garbage, litter, rubbish, trash, solid waste or yard waste, any and all such material deposited or dumped thereon by anyone else prior to the date of the execution of sentence.

(c) *Recovery of costs.* In addition to the other penalties provided in this section, any person found in violation of this section shall be liable to the city for up to three times the amount of all costs and expenses incurred by the city in abating a nuisance caused by a violation of this section.

(d) *Businesses and commercial entities.* Any business license issued by the city to any business or person who violates this section or allows any person under its control or authority to violate this section two (2) or more times within any five (5) year period shall be subject to revocation if the violation occurred in the course of the business for which the license was issued.

(e) *Businesses with contracts with the City.* In addition to any other penalty imposed under this chapter, if any person or business performing work under any contract with the city is found guilty of violating this section, the city may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon delivery of such notice.

(f) *Enforcement.* This section shall be enforced by the police, the commissioner of public works and his designee, and by other authorized and sworn city personnel.

(g) *Publication of names.* The court may publish the names of persons convicted of a violation of this Code section.

(h) *Signs in rights-of-way.* The commissioner of public works or his designee shall be responsible for installing "No Littering" signage within the right-of-way as deemed appropriate. These signs shall be highly visible and placed strategically throughout the entire city.

SECTION 2: That Section 130-6 Placing nails, tacks, glass on streets or sidewalks shall be amended, so that the new 130-6 shall read as follows:

130-6. Reserved.

SECTION 3: That Section 130-11. Unlawful disposal of debris, garbage, junk, litter, refuse, rubbish, trash or waste upon public property and rights-of-way shall be amended, so that the new Section 130-11 shall read as follows:

Section 130-11. Reserved.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.