AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER

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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 UPON PRIVATE PROPERTY; 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 property 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 along the City's streets promotes a negative image of the City of Atlanta to its residents and visitors; and

WHEREAS, the continued presence of illegally dumped, discarded and deposited waste on private property can discourage growth and development of Atlanta and its neighborhoods; 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 130-5. Unlawful disposal of debris, garbage, junk, litter, refuse, rubbish, trash, or waste upon private property shall be amended, so that the new Section 130-5 shall read as follows:

Section 130-5. Reserved.

SECTION 2: That Section 130-9. Disposal of garbage and refuse on vacant lots; uncontainerized garbage on private property shall be amended, so that the new Section 130-9 shall read as follows:

Section 130-9. Disposal of garbage and litter on vacant lots; uncontainerized garbage and uncontainerized yard waste on private property.

SECTION 3: That Section 130-9 (e) shall be amended, so that the new (e) shall read:

(e) *Penalties.*

(1) Violation of subsections (b) and (d) of this section will be subject to the penalties as provided below:

a. First offense. A fine not less than $100.00 and not more than $250.00.
b. Second offense. A fine not less than $200.00 and not more than $500.00.
c. Third offense. A fine not less than $500.00 and not more than $1,000.00.

(2) Where the volume of trash, garbage, solid waste, yard waste or other materials is less than 15 gallons, the violation of subsection (c) of this section shall subject the violator to mandatory penalties as follows:

a. *First offense.* A fine not less than $250.00 or community service not to exceed twenty (20) hours, or both.
b. *Second offense.* A fine not less than $500.00 or community service not to exceed fifty (50) hours, or both.
c. *Third offense.* A fine not less than $1,000.00 or community service not to exceed one-hundred (100) hours, or both.

(3) Where the volume of trash, garbage, solid waste, yard waste or other materials is 15 gallons or greater, the violation of subsection (c) shall subject the violator to mandatory penalties as follows:

a. *First offense.* A fine not less than $500.00 and not more than $750.00 or imprisonment not to exceed thirty (30) days, or both.
b. Second offense. A fine not less than $7500.00 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.

SECTION 4: That Section 130-9 (f) (4) shall be amended, so that the new (f) (4) shall read:

(4) *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 the violation of this section.

SECTION 5: That Section 130-9 (f) shall be amended to include (5), (6), (7) and (8), so that the new (5), (6), (7) and (8) shall read:

(5) *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.
(6) *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.
(7) *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.
(8) *Publication of names.* The court may publish the names of persons convicted of a violation of this Code section.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.