

## Trash Cans and Sweeping

Chapter 82 doesn't stop here, it continues to explain control measures and accountability by being so bold as to say; ***“Commercial sites with on-site parking shall, at a minimum, have its parking area cleaned or swept as needed to prevent an accumulation of litter and to maintain a neat and orderly appearance. Furthermore, said sites shall provide and maintain litter receptacles that are strategically placed throughout the parking lot for individuals using same to properly deposit litter and other refuse. The number of receptacles shall be determined as follows: One receptacle for establishments with one to 25 parking spaces; Two receptacles for establishments with 26 to 50 parking spaces; One additional receptacle for each additional 100 parking spaces at any location.”*** To enforce this, the ordinance details a number of entities that can issue citations such as but not limited to, ***“any city police officer, marshal, firefighter, employee of the parks and recreation department of the city, code inspector, or building code inspector is empowered to enforce the provisions of this section by issuing a citation and bring the accused before the judge of the municipal court for the city.”***

## Rebuttable Presumption of Violation

Catching a litterbug in the act is difficult and the City acknowledged that and created this Solid Waste Ordinance clause: ***“whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of O.C.G.A. § 16-7-43 is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings which display the name of a 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”***. Here we are reminded of what the city defines as a person is not limited to an individual.

## Fines and Other Punishments

It is also important to establish that the violator can be held to any of these ***“Any person convicted of a violation of any portion of this article shall be punished by a fine not exceeding \$500.00, or be required to work by removing litter, cutting grass or participating in other beautification projects as directed by the court or it's designee, on the public streets or highway or public right-of-way, and public property in the city not exceeding 30 days or any combination of both in the discretion of the judge of the municipal court. In the sound discretion of the judge of the court, the person may 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 person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence. The court may, in its discretion, require any person convicted of a violation of any portion of this article to publish said person's name and photograph, at the violator's expense, in the legal organ for the city”***

This would mean that a commercial property that failed to maintain a private property detention pond and grounds free from litter, and that litter washed down the stormwater and into a creek or river, then that property owner, tenant, lessee, etc. would not only be responsible for the violation, fine, cleaning of their own private property, but also that of the area where the litter was deposited to. At this point we would also be able to apply the section “f” in Chapter 82 of the evidence and presumption of littering to a