

**CHAPTER 47: LITTERING AND DUMPING ON PUBLIC AND PRIVATE
PROPERTY**

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47-101 Definitions

As used in this part, the term:

(1) "Litter" means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in paragraph (6) of Code Section 16-7-51.

(2) "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; and residential or farm properties, timberlands, or forests.

47-102 Regulations

(1) 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 this City or any waters in this City, unless:

(a) The property is designated by the City or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property;

(b) The litter is placed into a litter receptacle or container installed on such property; or

(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.

(2) The municipal court may publish the names of persons convicted of violating subsection (a) of this Code section.

¹47-103 Evidence

(1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(2) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(a) By a fine of not less than \$100.00 nor more than \$1,000.00 and/or by confinement in the county jail for a total term not to exceed six (6) months;

(b) In the sound discretion of a court in which conviction is obtained, 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 the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(c) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, 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.

(3) Except as provided in subsection (1) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article 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 article.

47-104 Enforcement

This Ordinance shall be enforced by officers of the City of Lawrenceville Police Department and 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, which is specifically designated by the Mayor and Council of the City to be authorized, empowered and directed to enforce compliance with this Ordinance. Citations under this Ordinance shall be returned for trial and administration to the Municipal Court of the City of Lawrenceville.

¹ *Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.*