

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SAVANNAH,
GEORGIA (2003), PART 4, PUBLIC SERVICES, CHAPTER 2, REFUSE
COLLECTION AND DISPOSAL, ARTICLE E, LITTERING; TO REPEAL ALL
ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to the lawful authority thereof:

SECTION 1: That Part 4, Public Services, Chapter 2, Refuse Collection and Disposal, Article E, Littering, be deleted in its entirety and a new Article E entitled "Clean Community Ordinance" be inserted in lieu thereof as follows:

ARTICLE E. - - Clean Community Ordinance

Sec. 4-2023. - Short title.

This chapter shall be known and may be cited as the "The City of Savannah's Clean Community Ordinance."

Sec. 4-2023A. - Preamble.

The City of Savannah, Georgia possesses unique natural assets and amenities which enhance the value and enjoyment of the community by residents, businesses and visitors. These assets are irreplaceable and must be preserved and protected in order to: Allow the public's continued enjoyment of these natural resources, enhance property values, prevent nuisances, protect public health and safety, and protect the safety of wildlife. Thus, this chapter is intended to provide for the uniform prohibition throughout the city limits of the City of Savannah of any and all littering on public or private property.

Sec. 4-2023B. - Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

(a) *Aircraft:* Any contrivance now known but is not limited to or hereafter invented, used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

(b) *Authorized receptacle:* A container, not to exceed 95 gallons, of substantial construction, with tight-fitting lid and equipped with handles sufficient for safe and convenient handling. Such receptacles shall be maintained in a serviceable condition at all times.

(c) *The City of Savannah or the city:* The City of Savannah, Georgia a municipal corporation of the State of Georgia.

(d) *Commercial handbill:* Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, event, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or any event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this section shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when it is held or given or takes place in connection with the dissemination of information. Provided, however, that nothing contained in this section shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by law of this state or under any ordinance of the city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes for the private benefit and gain of any person so engaged as an advertiser or distributor.

(e) *Discard:* To get rid of as unwanted any physical material, substance or thing which has been left, dropped, placed, thrown, dumped or otherwise disposed of in a manner or place that does not reasonably suggest an intent to preserve, protect or retain the use or possession of that which is left.

(f) *Disposal site:* A location for the final disposal of solid waste, putrescible waste, hazardous waste or other waste, except this term shall not be deemed to include land or a facility used for the disposal of solid waste or other waste from a single-family dwelling by the owner, occupant or lessee thereof.

(g) *Garbage:* The by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding areas or feeding material for flies, insects or animals.

(h) *Hazardous refuse:* Materials that are harmful to humans, animals, or environmental health, such as poisons, acids, caustic matter or solutions, chemicals, infected materials, offal, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances.

(i) *Industrial waste:* All waste, including solids, semisolids, sludge and liquids, created by factories, processing plants or other manufacturing concerns.

(j) *Litter:* "Litter" means all forms of discarded materials including but not limited to sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, animal waste, bottles, glass, cans, boxes, containers, unclaimed papers or paper products, all tobacco products, tires, appliances, furniture, tree and landscape materials, grass trimmings, leaves, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge, or any other discarded material or substance of every kind and description.

(k) *Littering:* To dump, deposit, throw, leave, discard, place, discharge, dispose, or drop litter on public or private property.

(l) *Newspaper:* Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine, regularly published with not less than four issues per year and sold to the public.

(m) *Noncommercial handbill:* Any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(n) *Park:* A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(o) *Person:* An individual, firm, company, partnership, corporation, association, institution, or other legal entity.

(p) *Public or private property:* Means the right-of-way of any road, street, highway, alley, or thoroughfare; any body of water or watercourse, including any river, channel, ditch, canal, stream, and marshland; any tidal or coastal water or the shores or beaches thereof; any park, playground, sidewalk, or public building and the grounds thereof; any refuge, conservation, or recreation area; any residential, private, or farm properties; any timberlands or forests; any dumpsters or litter receptacles; and any other site, place, or location of every kind and description.

(q) *Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 4-2023C. - Littering.

It shall be unlawful for any person or persons to dump, deposit, throw, leave, discard, place, discharge, dispose, drop or to cause or permit the dumping, depositing, placing, throwing, leaving, discarding, placing, discharging, disposing, or dropping of litter on any public or private property in the city limits of the city or any waters located within the city limits of the city, unless:

- (a) The property is designated by the city or an agency of the State of Georgia 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 the property and the person is authorized or permitted to place litter in such litter receptacle or container; 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.

Sec. 4-2023D. - Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public or private property. If a public trash or recycling receptacle is full, persons are responsible for finding another lawful place to dispose of litter properly.

Sec. 4-2023E. - Sweeping litter into gutter prohibited; keeping sidewalk clean—Generally.

No person shall sweep or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot from any public or private sidewalk or driveway. No persons shall sweep, blow or dump litter, leaves or other yard waste unto streets, sidewalks, roadsides, parks, or onto the private property of others.

Sec. 4-2023F. - Same—Merchant's duty.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep their business premises free of litter. Merchants are required to use their own trash receptacles and not place business waste in the public trash receptacles.

Sec. 4-2023G. - Maintenance of general property.

All owners or occupants of property shall maintain their property in a litter-free condition. No sweeping into sidewalks, streets, gutters or drains is permitted. No person shall sweep into or deposit on any street, sidewalk or gutter or into or adjacent to any drainage structure the accumulation of litter from any building or property.

Sec. 4-2023H. - Special refuse disposal.

(a) *Contagious disease refuse.* The removal of clothing, bedding or other refuse from places where highly infectious diseases have prevailed shall not be placed in receptacles or bulk containers for regular collection. The producers of pathological wastes, or the owners of premises upon which pathological waste is produced shall arrange for disposal of such waste adhering to all federal, state and local laws.

(b) *Disposal of needles or hypodermic instruments.* Any person who uses, disposes of, or discards any hypodermic syringes, hypodermic needles, or devices for making hypodermic injections shall be required to dispose of these instruments into containers that are puncture resistant, leak proof on the bottom and sides, sealable, labeled and color coded as biohazardous materials. Any person who uses disposable needles shall be required to dispose of these in containers that are rigid, puncture resistant and leak proof, and which are taped closed or tightly lidded to completely contain the contents therein and prevent any spillage. Said containers shall be disposed of in a manner that adheres to all federal, state and local laws.

(c) *Cardboard boxes and cartons.* Prior to depositing refuse for collection in authorized containers or receptacles or in commercial containers, the person disposing of any such boxes or cartons or the person in charge of the premises shall collapse all cardboard boxes and cartons.

Sec. 4-2023I. - Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.

Sec. 4-2023J. - Vandalizing trash containers and garbage containers.

(a) As used in this section, the term "household garbage" means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

(b) If a container is clearly marked "household garbage only," it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

(c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by the city for the dumping of trash or garbage.

(d) Any person who violates subsection (b) or (c) of this section shall be punished within the limits of Section 9-1128.

Sec. 4-2023K. - Truck loads and vehicles causing litter.

(a) No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any loads, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, concrete, liquid wastes, paints, or hazardous substances, litter or foreign matter of any kind.

(b) No person shall drive or move any loaded truck or other vehicle within or upon the city road or any other public road within the city unless such vehicle and the load therein are covered by canvas or other protective material providing complete coverage, properly secured, so as to prevent any load, contents or litter from becoming loose, detached or blown from the vehicle or from dropping or escaping from the vehicle during movement of the vehicle. No person shall drive or move a motor vehicle that is open to air such as truck beds, jeeps, and convertibles with unsecured trash or litter being open to air.

Sec. 4-2023L. - Inference permitted.

(a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this chapter, the trier of fact may in its discretion infer that the operator of the conveyance has violated this ordinance.

(b) Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of the provisions of this chapter is discovered to contain any article or articles, 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, the trier of fact may in its discretion infer that such person has violated this section.

Sec. 4-2023M. - Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles. Litter shall be deposited in such receptacle to prevent the litter from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided or are filled to capacity, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 4-2023N. - Litter in oceans, streams and rivers, etc.

No person shall throw or deposit any litter in any ocean, pond, lake, river or stream, bay, marsh, fountain, or other body of water in a park or elsewhere within the city.

Sec. 4-2023O. - Throwing or distributing commercial handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any such person hand out or distribute or sell any commercial handbill in any public place; provided, however, it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Sec. 4-2023P. - Placing commercial and noncommercial handbills on vehicles.

No person shall throw or deposit any commercial nor noncommercial handbill in or upon any vehicle; provided, however, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it in person.

Sec. 4-2023Q. - Evidence of violating sections.

It shall be unlawful for any person to direct, order or instigate the placing of commercial or noncommercial handbills in violation of sections 9-1115 and 9-1116. Furthermore, in the prosecution for the violation of these sections, the fact that a person, a product or a place of business is advertised on a commercial or noncommercial handbill shall be prima facie evidence that the person advertised, or the proprietor of the product advertised, or the proprietor of the place of business advertised, as the case may be, was the person directing the placing, distributing or throwing away the advertising matter in question.

Sec. 4-2023R. - Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill or any newspaper in or upon any private premises which are temporarily or continuously vacant.

Sec. 4-2023S. - Distribution of handbills where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill or any newspaper upon any private premises if requested by any person thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Vendors," "No advertisement," or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed or to have any such handbills left upon such premises.

Sec. 4-2023T. - Distributing commercial and noncommercial handbills at inhabited private premises.

- (a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private

premises; provided, however, in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by any person upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mail boxes may not be so used when so prohibited by federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Sec. 4-2023U. - Posting notices prohibited.

No person shall post or affix any notice, poster, handbills or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or tree, sign or upon any public structure or building, except as may be authorized or required by law.

Sec. 4-2023V. - Litter on occupied private property.

No person shall throw or deposit litter on any occupied property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Sec. 4-2023W. - Dropping litter from watercraft, aircraft.

No person in a watercraft or aircraft shall throw out, drop or deposit any litter within the city.

Sec. 4-2023X. - Private property to be maintained free of litter.

The owner, occupant, or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in authorized receptacles for collection.

Sec. 4-2023Y. - Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

Sec. 4-2023Z. - Anti-graffiti ordinance.

(a) Graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. This chapter is not intended to conflict with any existing anti-graffiti state laws.

(b) For the purpose of this section, the following words shall have the following meanings:

(1) *Aerosol paint container* means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

(2) *Broad-tipped marker* means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble.

(3) *Etching equipment* means any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

(4) *Graffiti* means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the city commission.

(c) It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned property or, without the permission of the owner or occupant, on any non-city-owned property.

(d) Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours after notice by the city or private owner of the property involved. Such removal shall be done in a manner prescribed by the chief of police, the director of the department of public works, or any additional city department head, as authorized by the city manager. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this chapter. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal.

Sec. 4-2023AA. - Vandalizing trash containers and garbage containers.

(a) As used in this section, the term "household garbage" means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

(b) If a container is clearly marked "household garbage only," it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

- (c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by the city for the dumping of trash or garbage.

Sec. 4-2023BB. - Penalties.

- (a) Any person who violates the City of Savannah Litter Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows;
- (b) The punishment imposed for any violation of this chapter shall not exceed a fine of \$500.00 or 30 days imprisonment or both; however, the minimum fine which will be imposed shall be not less than \$50.00 for a first offense, \$75.00 for a second offense, and \$150.00 for a third or subsequent offense. Each occurrence and/or day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder;
- (c) The person may be directed to pick up and remove from any public property or private 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;
- (d) The person may be directed to pick up and remove from any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon prior to the date of execution of sentence so long as the legal owner or tenant in lawful possession of such private property has given prior permission; or
- (e) If in the sound discretion of the judges of the Recorder’s Court of Chatham County, removal of the litter by the person would be unsafe, impractical, not feasible, or impossible, the person may be directed to reimburse the city for the cost of removal and/or cleanup of the litter that the person deposited on public property.
- (f) Judges of the Recorder’s Court of Chatham County may publish the names of persons convicted of violating this chapter.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This Chapter shall become effective when the Mayor affixes his signature below.

ADOPTED AND APPROVED: _____

Eddie W. DeLoach, Mayor

Clerk of Council