

House Bill 1343

By: Representatives Burkhalter of the 41<sup>st</sup>, Walker of the 141<sup>st</sup>, Campbell of the 42<sup>nd</sup>, Jamieson of the 22<sup>nd</sup> and Ashe of the 46<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to  
2 littering public or private property or waters, so as to change certain provisions relating to  
3 punishment for violations; to amend Chapter 21 of Title 15 of the Official Code of Georgia  
4 Annotated, relating to payment and disposition of fines, so as to provide for additional  
5 penalties in traffic cases in which fines are paid to local governments which shall be used for  
6 litter removal and beautification and related educational programs; to amend Article 11 of  
7 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous  
8 provisions of the uniform rules of the road, so as to change certain provisions relating to  
9 littering highways; to amend Chapter 2 of Title 41 of the Official Code of Georgia  
10 Annotated, relating to abatement of nuisances generally, so as to authorize certain public  
11 officers to enforce littering laws; to provide a short title; to repeal conflicting laws; and for  
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 This Act shall be known and may be cited as the "Georgia Clean Communities Act of 2002."

16 style="text-align:center">**SECTION 2.**

17 Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to littering public  
18 or private property or waters, is amended by striking subsection (b) and inserting in lieu  
19 thereof the following:

20 "(a.1) Any person who violates subsection (a) of this Code section for the first time shall  
21 not be guilty of a criminal offense but shall be subject to a civil penalty of \$200.00.

22 (b) Any person who violates subsection (a) of this Code section a second or subsequent  
23 time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as  
24 follows:

25 (1) By a fine of not less than ~~\$100.00~~ \$200.00 nor more than \$1,000.00; and

1 (2)(A) In the sound discretion of a court in which conviction is obtained, the person  
 2 may be directed to pick up and remove from any public street or highway or public  
 3 right of way for a distance not to exceed one mile any litter the person has deposited  
 4 and any and all litter deposited thereon by anyone else prior to the date of execution of  
 5 sentence; or

6 (3)(B) In the sound discretion of the judge of a court in which conviction is obtained,  
 7 the person may be directed to pick up and remove from any public beach, public park,  
 8 private right of way, or, with the prior permission of the legal owner or tenant in lawful  
 9 possession of such property, any private property upon which it can be established by  
 10 competent evidence that the person has deposited litter, any and all litter deposited  
 11 thereon by anyone prior to the date of execution of sentence."

### 12 SECTION 3.

13 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and  
 14 disposition of fines, is amended by adding a new Article 10 to read as follows:

#### 15 "ARTICLE 10

16 15-21-160.

17 (a) Upon the adoption of an appropriate ordinance or resolution by the governing authority  
 18 of a county or municipality, in every case in which any court shall impose a fine, which  
 19 shall be construed to include costs, for violation of any provision of Chapter 6 of Title 40,  
 20 relating to uniform rules of the road, or any local ordinance adopting the provisions of said  
 21 chapter, and moneys arising from such fine are paid into the treasury of such county or  
 22 municipality, there shall be imposed as an additional penalty a sum equal to 3 percent of  
 23 the original fine which shall be paid into a dedicated litter removal and beautification fund  
 24 of such county or municipality. Such fund shall be established for the purposes of and  
 25 expended only for litter removal programs, beautification programs, and related  
 26 educational programs of such county or municipality. Any amount remaining in such  
 27 dedicated fund at the end of a fiscal year shall not revert to the county or municipal general  
 28 fund but shall remain in the litter removal and beautification fund.

29 (b) The provisions of this Code section shall not preclude the appropriation or expenditure  
 30 of other funds by the governing authority of any county or municipality or by the General  
 31 Assembly for the purposes of litter removal programs, beautification programs, and related  
 32 educational programs."

**SECTION 4.**

Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, is amended by striking Code Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following:

"40-6-249.

A person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, the 'Litter Control ~~Law,~~ Law':

(1) For the first such violation shall be subject to a civil penalty as provided in Code Section 16-7-43; and

(2) For a second or subsequent such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Code Section 16-7-43."

**SECTION 5.**

Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of nuisances generally, is amended by adding a new Code Section 41-2-18 to read as follows:

"41-2-18.

Public officers, as defined in paragraph (10) of Code Section 41-2-8, shall be authorized to enforce and issue citations for violations of Code Sections 16-7-43 and 40-6-249."

**SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.