

House Bill 317

By: Representatives Hill of the 3<sup>rd</sup>, Dempsey of the 13<sup>th</sup>, Momtahan of the 17<sup>th</sup>, Kelley of the 16<sup>th</sup>, Tanner of the 9<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 43-17-8.2 of the Official Code of Georgia Annotated, relating to  
2 requirement for orderly, clean, and sanitary receptacles, notice, and penalty for violations,  
3 so as to transfer jurisdiction of a petition filed regarding the removal of collection receptacles  
4 from the superior court to the city or municipal court; to provide for related matters; to  
5 provide for applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 43-17-8.2 of the Official Code of Georgia Annotated, relating to requirement  
9 for orderly, clean, and sanitary receptacles, notice, and penalty for violations, is amended by  
10 revising subsection (b) as follows:

11 "(b)(1) If the property owner, paid solicitor, or charitable organization responsible for the  
12 operation of a collection receptacle fails to comply with the notice in accordance with  
13 subsection (a) of this Code section three times in any calendar year, or, if the governing  
14 authority finds that the area surrounding such collection receptacle is a nuisance, the local  
15 governing authority shall be authorized to petition the ~~superior~~ city or municipal court to  
16 issue an order requiring the removal of such collection receptacle from the geographical  
17 boundaries of the jurisdiction for a period of not less than three years.

18 (2) The relief imposed by the ~~superior~~ city or municipal court shall require the immediate  
19 removal of such collection receptacle at the cost of the property owner or paid solicitor  
20 responsible for it, or, alternatively, the charitable organization for which such collection  
21 receptacle was placed and the imposition of court costs.

22 (3) If a collection receptacle is not removed within 30 days of the ~~superior~~ city or  
23 municipal court's order, the local governing authority shall be authorized to remove such  
24 collection receptacle and seek reimbursement from the property owner, paid solicitor, or  
25 charitable organization for court costs and fees related to the removal of such collection  
26 receptacle."

27

**SECTION 2.**

28 This Act shall apply to any petition filed pursuant to subsection (b) of Code Section  
29 43-17-8.2 of the Official Code of Georgia Annotated on or after July 1, 2019. The superior  
30 court shall maintain jurisdiction of any petition filed pursuant to such subsection prior to  
31 July 1, 2019.

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**SECTION 3.**

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