

The House Committee on Judiciary offers the following substitute to HB 317:

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 permit city, municipal, and magistrate courts to have jurisdiction over petitions filed
4 regarding the removal of collection receptacles; to provide for related matters; to provide for
5 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 city, municipal, magistrate, or
16 superior court to issue an order requiring the removal of such collection receptacle from
17 the geographical boundaries of the jurisdiction for a period of not less than three years.

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

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