

First Read: _____

Second Read: _____

Ord. No. _____

AN ORDINANCE OF THE CITY COUNCIL OF MOUNTAIN PARK, GEORGIA, FOR THE PURPOSE OF AMENDING **SECTION 105-365 OF ARTICLE VII OF CHAPTER 105 OF THE CITY'S ORDINANCES** TO AMEND THE CITY'S LITTER CONTROL ORDINANCE TO BETTER REGULATE AND PROHIBIT CONSTRUCTION WASTE, AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF _____, 2018.

WHEREAS, the Mayor and City Council wish to amend the litter ordinances of the City to better protect the public welfare by requiring construction site waste to be controlled by construction site operators;

THEREFORE, the Mayor and City Council of the City of Mountain Park hereby ordains:

SECTION ONE

Section 365 of Chapter 105 of the Code of Mountain Park, Georgia, pertaining to **Prohibition against littering public or private property or waters**, shall be amended and restated to denominate the existing language as paragraph (a) and to add a new paragraph (b). The amended and restated Section 105-365 shall state as follows:

Sec. 105-365. – Prohibition against littering public or private property or waters.

- (a) 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:
- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a receptacle or container installed on such property; or,
 - (3) 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 and all other applicable laws and ordinances.

(b) Notwithstanding paragraph (a), when such property or waters is a construction site, construction site operators must control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. "Control waste" means to properly contain and dispose of waste. Loose construction debris (e.g., packing materials, scraps of lumber, etc.) shall be promptly contained and removed from the site and properly disposed of.

SECTION TWO

a. All other Ordinances and Resolutions, or parts of said Ordinances or Resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

b. This Ordinance amendment shall take effect immediately upon adoption, the public welfare demanding.

c. The provisions of this Ordinance are severable; in the event that a court of competent jurisdiction finds that any provision of this Ordinance is unlawful or unconstitutional, it is the express intent of the City Council that such provision be severed and the remaining provisions of this Ordinance remain in force as if adopted separately from the severed portion.

SO ADOPTED THIS THE _____ DAY OF _____, 2018.

MOUNTAIN PARK, GEORGIA

Jim Still, Mayor

ATTEST:

Karen Segars, City Clerk