

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF
ORDINANCES CHAPTER 109 – NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION; ARTICLE VIII. LITTER CONTROL; SECTIONS 109-215 AND 109-216
TO REGULATE CONSTRUCTION SITE WASTE**

WHEREAS, the Mayor and Council of the City of Johns Creek, Georgia are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Litter Ordinance protects the public health, safety, environment, and general welfare through the regulation and prevention of litter; and

WHEREAS, the Litter Ordinance applies to all property and waters throughout the City of Johns Creek; and

WHEREAS, although construction site waste is controlled through the general provisions of the Litter Ordinance the City wishes to specifically regulate construction site waste.

NOW THEREFORE, the Mayor and Council of the City of Johns Creek hereby ordains that Chapter 109 – Natural Resources and Environmental Protection; Article VIII. Litter Control, Sections 109-215 and 109-216 are hereby amended to read as follows:

Sec. 109-215. - Definitions.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, construction waste, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., § 16-7-51, para. 6.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Construction waste means 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. For the purposes of this article, construction waste is a type of litter.

Sec. 109-216. - Prohibition against littering public or private property or waters.


(1) 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:

- a. 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;
- b. The litter is placed into a receptacle or container installed on such property; 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.

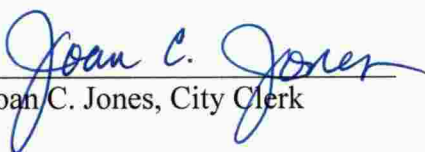
(2) Construction site operators must control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SO ORDAINED, this the 17th day of June, 2019.

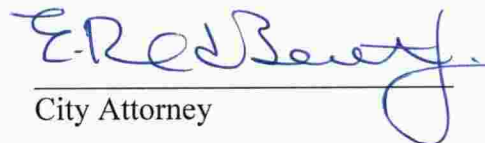
Approved:


Michael E. Bodker, Mayor

ATTEST:


Joan C. Jones, City Clerk

Approved as to Form:


City Attorney

