

**Subject Matter: 0-22-15 – Amendment to the Litter Control Ordinance**

**Date First Presented at Council Public Meeting: 11-5-15**

**Date of Public Hearing Before City Council: 11-5-15**

**Date of Second Reading and Adoption at Public Meeting: 11-19-15**

**CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE  
STATE OF GEORGIA**

**ORDINANCE NUMBER           #0-22-15**

**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

**WHEREAS**, the City of Fayetteville (the “City”) has determined that to meet the requirements of the federal Clean Water Act and associated National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II stormwater permit (GAG610000) construction site waste must be controlled; and

**WHEREAS**, the City hereby adopts, ordains, and enacts the foregoing ordinance amending and modifying the City’s Litter Ordinance as follows:

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS  
THE FOLLOWING ORDINANCE:**

**ARTICLE I**

Remove and replace all of Section 42-303 with the following language.

(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 the City of Fayetteville or any waters in the City of Fayetteville 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.

(b) Construction site operators shall be responsible for developing a site waste materials control plan to include acceptable measures to control construction site waste materials, to include but not be limited to discarded building materials, concrete truck wash out, litter, sanitary waste, remnant bricks and lumber, paint buckets, product packaging, remnant landscaping items, etc. Construction site operators shall be responsible for ensuring the development and implementation of an adequate construction site waste materials control plan for the duration of the construction time frame for each lot / project.

## **ARTICLE II**

This Ordinance shall become immediately effective upon its second reading and adoption by the City Council.

## **ARTICLE III**

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

## **ARTICLE IV**

This Ordinance shall be codified in the City's Code of Ordinances at Chapter 42, Article VIII, Section 42-303.

## **ARTICLE V**

The repeal of any stricken or deleted language of this ordinance of the now former language of the City ("Former Language") shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language ("New Language"), so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

## **ARTICLE VI**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE**, at a regular meeting of the Mayor and Council on the 19<sup>th</sup> day of November, 2015, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Gregory C. Clifton, Mayor

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Edward Johnson, Mayor Pro Tem

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Anne Barksdale, City Clerk

\_\_\_\_\_  
Paul C. Oddo, Jr., Council Member

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Mickey Edwards, Council Member

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Scott Stacy, Council Member

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James B. Williams, Council Member