

Final Report

Annual Litter Report FY 2007 – FY 2008

State of Georgia
Department of Community Affairs
Office of Environmental Management



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Annual Litter Report

Georgia Department of Community Affairs

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This report has been prepared for the use of the client for the specific purposes identified in the report. The conclusions, observations and recommendations contained herein attributed to R. W. Beck, Inc. (R. W. Beck) constitute the opinions of R. W. Beck. To the extent that statements, information and opinions provided by the client or others have been used in the preparation of this report, R. W. Beck has relied upon the same to be accurate, and for which no assurances are intended and no representations or warranties are made. R. W. Beck makes no certification and gives no assurances except as explicitly set forth in this report.

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Introduction

In 2005, Governor Sonny Perdue signed an Executive Order creating the Litter Abatement and Prevention Team. The Litter Abatement and Prevention Team, comprised of the agencies and organizations listed in Table ES-1, was charged with developing a long-term, sustainable strategy for reducing litter through increasing public awareness, personal responsibility and community involvement.

Table ES-1
Members of the Litter Abatement and Prevention Team

Association County Commissioners of Georgia	Police Chief Association
Department of Community Affairs	Pulp and Paper Association
Department of Economic Development	Sheriff's Association
Department of Natural Resources	Georgia State Patrol
Department of Public Safety	Georgia Association of Tire Retailers
Department of Transportation	Office of Highway Safety
Georgia Association of Code Enforcement Officers	Hands On Georgia
Georgia Beverage Association	Keep Georgia Beautiful Executive Directors
Georgia Chamber of Commerce	Metropolitan North Georgia Water Planning District
National Solid Waste Management Association	Prosecuting Attorney's Council of Georgia
Georgia Municipal Association	The Garden Club of Georgia, Inc.

As a result of the recommendations of the Litter Abatement and Prevention Team, the Georgia General Assembly passed the Comprehensive Litter Prevention and Abatement Act, which strengthened law enforcement to deter littering, clarified statutes related to litter, and ultimately championed personal responsibility as the most essential approach to battling litter. In the same year, Governor Sonny Perdue unveiled Georgia's new statewide anti-litter campaign, *LITTER. It costs you.* aimed at catalyzing the state to abate and prevent litter in Georgia. This report documents the progress made in the first two years since the campaign was launched.

Measuring Progress

Progress in abating and preventing litter can be measured in two ways: (1) by measuring the amount and characteristics of litter on roadways, and (2) by measuring

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the attitude of Georgians towards litter. For both these measures, the State conducted an initial study to determine a baseline both for the amount of litter on roadsides in Georgia and attitudes of Georgians toward litter and then followed up with a subsequent study to determine changes. Other data, such as that from the Great American Cleanup and local government annual solid waste surveys, provide some insight into the trends in the amount of and attitudes about litter in the State. Major conclusions from these sources are listed below. A more comprehensive list of conclusions is included in Section 1.

Statewide Roadside Litter Assessments

The State retained R. W. Beck, Inc., to conduct an assessment of litter on the roadsides of Georgia in 2006 to get a baseline measure and then again in 2008. The findings are summarized in the bullets below and described in more detail in Section 1.

- On a statewide basis, an average of 846 litter items were found per mile in 2006, this number decreased by 23 percent in the 2008 study, to an average of 655 items of litter per mile.
- Field staff scored each site using Keep America Beautiful's Litter Index. The 96 sites surveyed in Georgia averaged a 2.28 rating overall¹ in 2006. The decrease in litter items per mile is corroborated by a decline in the average KAB index to 1.74 in 2008, representing a 24-percent decline.
- Approximately 67 percent of the litter in the State was attributable to negligent sources of litter in 2006. Typical negligent sources of litter include construction sites, improperly maintained trash receptacles, recycling and trash vehicles, untarped vehicles, and debris from traffic accidents. In 2008, the percent of total litter items attributable to negligent sources had declined to 57 percent.
- In both 2006 and 2008, urban and rural freeways were the most littered of all roadway types. In 2008, litter on urban freeways was more than twice that on any roadway type. This was the only roadway type where litter items per mile increased between 2006 and 2008. The high levels of negligent litter found on these highly trafficked roadway types suggests that improperly covered trucks may be a primary source of litter on these roadways.

Attitudes About Litter

In a statewide-attitude survey commissioned by DCA, at least 90 percent of Georgia residents in both 2006 and 2007 reported that litter was a problem. The results suggest that many residents have seen litter as a bigger problem in Georgia than in their community. A total of 94 percent responded that litter was a problem in Georgia, with 49 percent characterizing litter as a major problem. When asked about litter in their community, 77 percent responded that litter was a problem with only 26 percent

¹ KAB has developed an approach to litter measurement known as a Litter Index. This approach focuses on a visual assessment of the community by selecting appropriate sites to be assessed and scoring the sites using a four-point scale: 1 = "No Litter," 2 = "Slightly Littered," 3 = "Littered," 4 = "Extremely Littered."

identifying litter as a major problem. Results from the Annual Solid Waste Survey of local governments throughout Georgia, conducted by DCA, suggests that public officials may not view litter as much of a problem as the public. In 2007 only 19.6 percent of the responding local governments stated that their communities had chronic littering areas while 17.7 responded that they have chronic illegal dumping sites.

Clean Community Challenge

Although the State has taken on the issue of litter at the statewide level, conducting statewide litter assessments and attitude surveys, and developing and disseminating tools for education, enforcement, and eradication, litter is a local issue. The State recognizes that a partnership is needed to combat litter across the State and that prevention and abatement will only be successful with a high level of involvement by local governments and organizations. Thus, one of the keys to successfully preventing and abating litter in the state of Georgia is enlisting local governments to follow a similar approach to the State at the local level. This is being done through the Clean Community Challenge (CCC). The State has created a set of requirements for communities that register to participate in the CCC and resources for them to meet these requirements. As of October 2008, 76 communities had registered to participate in the Clean Community Challenge.

Youth Clean Community Challenge

A related program, the Youth Clean Community Challenge is designed to encourage youth organizations and schools to take an active role in developing litter education, enforcement and eradication/clean-up activities. Participation in this program also has very specific requirements for elementary-age youth and middle/high school-age youth. As of October 2008, 97 youth groups and schools had registered for the Youth Clean Community Challenge.

Education

Governor's Litter Summit

At the Governor's Litter Summit held on August 29 and 30, 2006, Governor Sonny Perdue declared war on litter. During the summit, Governor Perdue unveiled the statewide anti-litter campaign, *LITTER. It costs you.* The summit attendees received information and resources to combat litter. In addition, attendees had the opportunity to listen to national experts on litter education, enforcement and eradication.

LITTER. It costs you. Campaign

State agencies, local governments and volunteer organizations worked together with a private-marketing communication team to develop *LITTER. It costs you*, a comprehensive litter education, eradication and enforcement program. The *LITTER. It costs you.* campaign includes the following major components and educates the

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public about how litter costs Georgians money, beauty, health and safety, and what they can do about it.

- Brand;
- Mascot;
- Website;
- Advertisements tools; and
- Other educational resources.



Keep Georgia Beautiful

Keep Georgia Beautiful (KGB), the first state affiliate of Keep America Beautiful (KAB), has been serving Georgia for over 30 years. Much of KGB's work in Georgia is done through over 70 local KAB affiliates. Because of this historic role in litter prevention and abatement, KGB was naturally tapped to play a key role in the Governor's Litter Prevention and Abatement Team and in the *LITTER. It costs you.* campaign. Section 2 of this report describes how some local affiliates are incorporating the *LITTER. It costs you.* campaign into their programs.

Other Education Initiatives

Many public and private organizations play a key role in educating the public, students, and others about litter. Some other initiatives include the following.

- Environmental Education in Georgia (EE in Georgia) has developed a database of environmental education lesson plans for respective grade levels based on Georgia's curriculum standards and offers a searchable directory of Georgia's EE in Georgia organizations and the resources they offer and a statewide calendar of EE in Georgia events.
- Georgia Department of Community Affairs distributes brochures and cards to educate the public about the possible impacts of unsecured loads.
- The Garden Club of Georgia launched "Georgia! Keep it Green and Clean by the Garden" targeted at the youth in Georgia.
- Private sponsorships from Coca-Cola, Pepsi and Wild Adventures Theme Parks have expanded the reach of the *LITTER. It costs you.* message.

Enforcement

In 2006, Georgia enacted the Comprehensive Litter Prevention and Abatement Act. In addition to consolidating litter-related provisions from multiple parts of the Georgia code and imposing uniform penalties, the Act accomplishes the following:

- Broadens the definition of litter to include any discarded or abandoned item;
- Creates a new category of litter, "egregious litter," for large quantities or particularly problematic litter;

- Defines littering offenses as felonies or misdemeanors;
- Holds drivers responsible for litter leaving their vehicles;
- Expands jurisdiction of courts to provide more opportunity to have litter-violation cases tried; and
- Strengthens punishment for violators.

Enactment of Local Litter Ordinances

In the 2007 Annual Solid Waste Survey of local governments, 62.4 percent of the local governments responding reported that they have a local ordinance addressing littering. This is significantly higher than the 46.6 percent of respondents that reported that they had a litter ordinance in 2005. The increase may be due in part to the statewide campaign which includes resources to assist local governments in developing local ordinances. The Georgia DCA developed a model litter control ordinance to provide local government with an example to use when developing or updating their own litter ordinances.

Litter Enforcement Training Program

Since the enactment of the 2006 Comprehensive Litter Prevention and Abatement Act, more than 500 prosecutors, judges, code enforcement, and local government officials have been trained, in eight workshops, on what the new litter law allows and how to enforce it. In fiscal years 2007 and 2008, DCA and the Georgia Department of Natural Resources (DNR) conducted eight-litter enforcement workshops. Each participant took home a training manual that includes the presentation materials from the training, key litter facts, a summary of the Act, samples of public education materials, a guidance document on how to investigate a litter crime scene, litter enforcement case studies, guidance on how to establish an environmental court, an enforcement officer tool kit, and a list of resources and references. Litter enforcement training materials can be found at www.litteritcostsyou.org.

Litter Enforcement Action

The Comprehensive Litter Prevention and Abatement Act provided more agencies with the authority to enforce laws against litter. The law states that all law enforcement agencies, officers, and officials of the State or any political subdivision or any enforcement agency, officer, or any official of any commission or authority of the State or any political subdivision can enforce compliance with the Act. Any of these entities can appoint any person, who is a U. S. citizen of good moral character that has not been previously convicted of a felony, to enforce the provisions of this code section. Enforcement of litter laws requires dedication of staff time. In the 2007 annual survey of local governments, 38.9 percent reported that their local government had an environmental code enforcement program and/or officer. In their annual survey, local governments reported a total of 33,815-logged complaints related to litter. This is a three-fold increase from the 11,033 reported in 2005.

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The Wildlife Resources Division of the Georgia Department of Natural Resources reports that they issued 950 litter-related violations in fiscal year 2007. Of the violations, 36 percent were egregious litter as defined by the 2006 Litter Prevention and Abatement Act.

Eradication

Litter eradication through cleanups and control devices is a critical component in preventing and abating litter. Research done by KAB shows that people are more likely to litter in areas that are already littered. The most visible form of litter eradication may be cleanups, which use government workers, community service workers or volunteers to physically pick up trash.

Georgia Department of Transportation

The Georgia DOT is tasked with litter pickup on Georgia's interstates and the State highway system by constitutional law. About 150 DOT routine maintenance crews, 49 prison crews, 3,000 weekend probationers and around 400 volunteer Adopt-A-Highway organizations regularly pick up litter on Georgia interstates and State roads. The Georgia DOT annually removes litter from 1,245 interstate miles and 18,000 state route miles and spends an estimated \$15 million per year doing so. This does not include the efforts of cities and counties who are responsible for cleanup litter along another 96,818 miles of roadsides.

Great American Cleanup

Each April, for the past 13 years, volunteers throughout Georgia and throughout the country have been picking up litter on roads in their communities as part of the Great American Cleanup. The Great American Cleanup had a remarkable 867 events throughout the state of Georgia in 2008. Approximately 57,800 volunteers donated 308,500 hours and collected 1.9 million pounds of litter from 4,600 miles of Georgia roadways. Even though the number of volunteer hours increased in the past three years, the amount of trash collected decreased over the years. The amount of litter collected per mile declined by 66 percent between 2006 and 2008. Most of this decline was in the first year of this two-year period with litter declining from an average of 1,207 pounds per mile to 541 pounds mile between 2006 and 2007. The steeper decline in litter collected per mile between 2006 and 2007 could very likely be the result of the increase in litter awareness and prevention and abatement efforts resulting from the passage of the Litter Prevention and Abatement Act, the Governor's Litter Summit in August 2006, and other activities that took place in late 2006 and early 2007, supporting the conclusion that litter has declined in the past few years.

Rivers Alive

"Rivers Alive," a program offered through Georgia's Environmental Protection Division, is an annual volunteer waterway cleanup event. In 2007, over 25,000 River Alive volunteers removed over 700,000 pounds of garbage. Unlike the decreasing trends in litter found in the Roadside Litter Assessment and the Great American

Cleanup, the amount of litter collected per mile by Rivers Alive shows a slight increase from calendar year 2006 to calendar year 2007.

Adopt-A-Highway

Adopt-A-Highway Program, a partnership between the Georgia Department of Transportation and local KAB affiliates, enlists volunteers to remove litter from our roadways. In FY 2008, the Adopt-A-Highway program had 285 active groups involved with the cleaning of 305 miles of Georgia Roads. The number of litterbags collected per mile of road cleaned decreased between 2007 and 2008, which is consistent with the findings from the Statewide Litter Assessment as well as results from the Great American Cleanup that there is less litter on roadways.

Financial Expenditures

The state of Georgia spends millions of dollars to prevent and abate litter each year. Table ES-2 shows that the litter expenditures by Georgia Department of Community Affairs (DCA), Georgia Department of Transportation (DOT) and Georgia Department of Natural Resources (DNR) for FY 2008 totaled \$15,675,690, a two-percent decline from expenditures in FY 2007. For DCA, most of these costs were attributable to staff time on educational initiatives and the statewide litter campaign. Much of Georgia DOT costs were for eradication, including personnel, equipment, materials, prison labor costs and other costs involved in removing litter from Georgia roads. As to the expenditures by DNR, approximately 65 percent of the total expenditures for FY 2007 and 2008 were attributed to the development of the *LITTER. It costs you.* campaign. These costs do not include those spent by local governments, not-for-profit organizations, and others to prevent and abate litter. By some estimates, these expenditures are equal, if not more than those spent by State agencies, resulting in an estimated total cost of over \$30 million per year to prevent and abate litter in the state of Georgia.

Table ES-2
Litter Expenditures in Georgia

Department	FY 2007	FY 2008
Georgia Department of Community Affairs	\$753,455	\$348,249
Georgia Department of Transportation	\$14,961,797	\$15,215,960
Georgia Department of Natural Resources	\$278,640	\$111,481
Total	\$15,993,892	\$15,675,690

Conclusions

Georgia has made progress in the last two years to prevent and abate litter in the State. Results from the Roadside Litter Assessment, the Great American Cleanup and the Statewide Attitude Survey indicate that Georgians are more aware of litter and are

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littering less. This progress is attributable to the partnerships among State and local agencies, KAB affiliates, law enforcement personnel, and the numerous State and local organizations that have played a role in education, enforcement, and eradication. However, progress appears to have slowed in FY 2008 as attention from the passage of the Act, the Litter Summit, and subsequent activities that took place in late 2006 and early 2007 waned.

The results from the past two years lead to the following conclusions and recommendations to build on the initial success of the State's focus on preventing and abating litter to improve the quality of life in Georgia.

1. Revive the Statewide *LITTER. It Costs You.* Communication Campaign, with a dual focus on negligent and deliberate sources of litter.
2. Reconcile the discrepancy between public and public official perception of litter as a problem.
3. Register more local governments in the Clean Community Challenge.
4. Provide resources and incentives for a diversity of partners to embrace the Statewide Communications Campaign.
5. Develop a statewide litter strategy based on quantitative goals.

These findings and the conclusions and recommendations, are described in more detail in the body of this report.

Section 1 INTRODUCTION

1.1 Background

In 2005, Governor Sonny Perdue signed an Executive Order creating the Litter Abatement and Prevention Team. The Litter Abatement and Prevention Team, comprised of State agencies and other related associations and organizations, was charged with developing a long-term sustainable strategy for reducing litter through increasing public awareness, personal responsibility and community involvement. A complete list of the Litter Abatement and Prevention Team members is located in the table below.

**Table 1-1
Members of the Litter Abatement and Prevention Team**

Association County Commissioners of Georgia	Police Chief Association
Department of Community Affairs	Pulp and Paper Association
Department of Economic Development	Sheriff's Association
Department of Natural Resources	Georgia State Patrol
Department of Public Safety	Georgia Association of Tire Retailers
Department of Transportation	Office of Highway Safety
Georgia Association of Code Enforcement Officers	Hands On Georgia
Georgia Beverage Association	Keep Georgia Beautiful Executive Directors
Georgia Chamber of Commerce	Metropolitan North Georgia Water Planning District
National Solid Waste Management Association	Prosecuting Attorney's Council of Georgia
Georgia Municipal Association	Georgia Garden Club Association

As a result of the recommendations of the Litter Abatement and Prevention Team, the Georgia General Assembly passed the Comprehensive Litter Prevention and Abatement Act, included as Appendix A, which strengthened law enforcement to deter littering, clarified statutes related to litter, and ultimately championed personal responsibility as the most essential approach to battling litter. In the same year, Governor Sonny Perdue unveiled Georgia's new statewide anti-litter campaign, *LITTER. It costs you.*, aimed at catalyzing the State to solve litter problems in Georgia. The litter campaign, which focuses on education, enforcement, and eradication, ultimately aspires to engage the public and affect change. The focus of the campaign is to emphasize the costs of litter in terms of money, health, beauty, safety, and to

motivate Georgians to take action to reduce these costs. The purpose of this report is to document the progress made in each of these areas: Education, enforcement, and eradication, in the first two years since the Executive Order was signed.

1.2 Measuring Progress

The ultimate goal of the anti-litter campaign is a reduction in litter throughout Georgia. However, to reduce litter it is necessary to change attitudes about litter. Thus, the State measures success in two ways: (1) by measuring the amount and characteristics of litter on roadways, and (2) by measuring the attitude of Georgians towards litter. For both of these measures, the State conducted an initial study to determine a baseline both for the amount of litter on roadsides in Georgia and attitudes of Georgians toward litter. Since the campaign began, the State has conducted a follow-up roadside litter assessment and a follow-up attitude survey. Although it typically takes more than one to two years of continual education, enforcement, and eradication to affect change, these initial and first follow-up studies indicate what has happened during the early years of the campaign. In addition, although not a statewide study, thirteen years of results from the Great American Cleanup in Georgia also indicate trends in litter on roadsides in Georgia.

1.2.1 Roadside Litter Assessments

In order to have a benchmark from which to measure progress and on which to focus prevention and abatement strategies, DCA and KAB contracted with R. W. Beck, Inc., to conduct a statewide visible litter survey in summer of 2006. The purpose of this study was to characterize the types of litter in Georgia, estimate the quantity of litter statewide and by road type, and determine the most likely sources of litter. A total of 96 sites were sampled throughout the State.

The results of this assessment suggested that in 2006, approximately 67 percent of the litter in the State was attributable to negligent, rather than deliberate sources of litter. Typical negligent sources of litter include construction sites, improperly maintained trash receptacles, recycling and trash vehicles, untarped vehicles, and debris from traffic accidents. Other conclusions from the 2006 assessment were:

- Overall, urban and rural freeways were the most littered of all roadway types, due, in no small part, to the high-traffic levels. The high levels of negligent litter found on these highly trafficked roadway types suggests that improperly covered trucks may be a primary source of litter on these roadways.
- Mowed areas were generally more littered than non-mowed areas, suggesting that crews may consider cleaning an area before mowing.
- Although the public often thinks of beverage containers when they think of roadside litter, the 2006 roadside litter assessment indicated that beer and soft drink containers comprised only 3.8 percent of the litter items while juice, wine, liquor, sport drink and water containers comprised another 1.1 percent of litter items on the road.

- In a subsort of cigarette butts at each sampled site, there were eight times more cigarette butts than all other items combined.
- Field staff also scored each site using KAB’s Litter Index. The 96 sites surveyed in Georgia averaged a 2.28 rating overall.²
- While there is not a particular profile for negligent litterers, past studies along with the work conducted in Georgia in 2006 suggest that the most persistent deliberate litterers are 18 to 24 year old males, which is consistent with the findings of the attitude survey conducted in Georgia.

Full results of the 2006 assessment can be viewed at www.litteritcostsyoudo.org.

In 2008, DCA contracted with R. W. Beck to update and enhance the litter assessment conducted in 2006. Table 1-2 describes each of the roadway types sampled in the assessments.

**Table 1-2
Roadway Type Descriptions**

Roadway Type	Acronym	Description
Commercial Street Frontage	COM	The edge of an urban street in front of a business such as stores, restaurants, and shopping centers.
Other State Rural Highways	OSR	U.S. and State highways located outside of urban areas without limited access.
Public Facility Street Frontage	PUB	The edge of an urban street in front of a government or quasi-public use building such as a courthouse, park, school, or public library.
Residential Street Frontage	RES	The edge of an urban street in front of homes on neighborhood streets.
Rural Freeways and Toll Roads	RFT	Interstate highways, non-interstate toll roads and limited access highways located outside of urban areas.
Rural Local Roads	RLR	Public roads outside of an urban area that are locally maintained (e.g. city, county)
Urban Freeways and Toll Roads	UFT	Interstate Highways, non-interstate toll roads and limited access highways located within an urban area.
Vacant, Industrial or Un-maintained Street Frontages	VIU	The edge of an urban street in front of a vacant lot, industrial site or a lot with a building and or landscaping which is not well maintained.

² KAB has developed an approach to litter measurement known as a Litter Index. This approach focuses on a visual assessment of the community by scoring selected sites using a four-point scale where 1 = “No Litter,” 2 = “Slightly Littered,” 3 = “Littered,” 4 = “Extremely Littered.”

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The results lead to the following conclusions regarding changes in litter across the State between 2006 and 2008.

- On a statewide basis, the average number of litter items counted per mile has decreased. Figure 1-1 shows a 23 percent decrease in litter items per mile from 846 to 655.

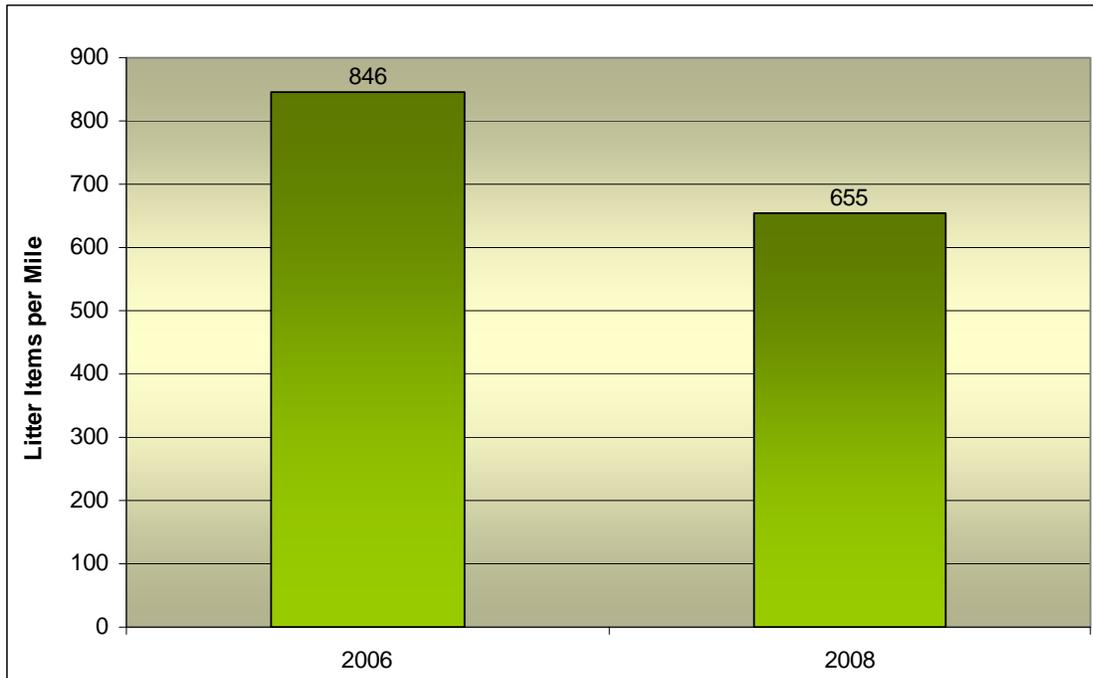


Figure 1-1: Weighted Average Litter Items per Mile, 2006 and 2008

- The decrease in litter items per mile is corroborated by a decline in the average KAB index across all roadway types (Figure 1-2), which shows approximately a 24 percent decline.³

³ Ibid.

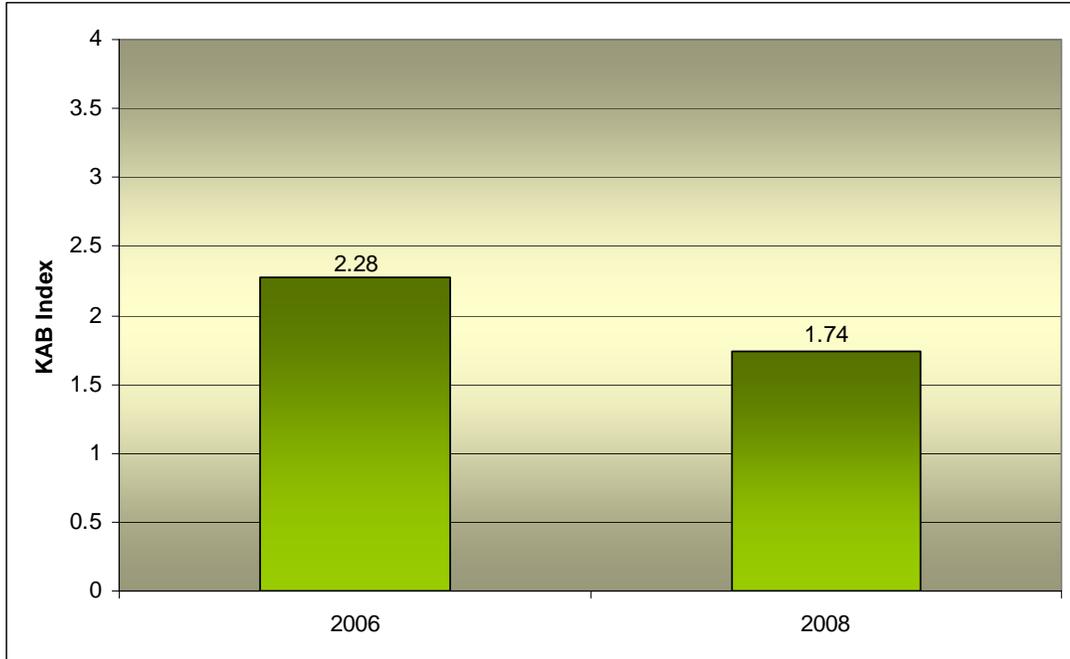


Figure 1-2: Average KAB Index on Georgia Roadways, 2006 and 2008

- As in 2006, urban freeways were the most littered roadway type, with more than twice as much litter as found on rural freeways, the second most littered roadway type. Figure 1-3 shows that urban freeways were the only roadway type where litter items-per-mile increased between 2006 and 2008.

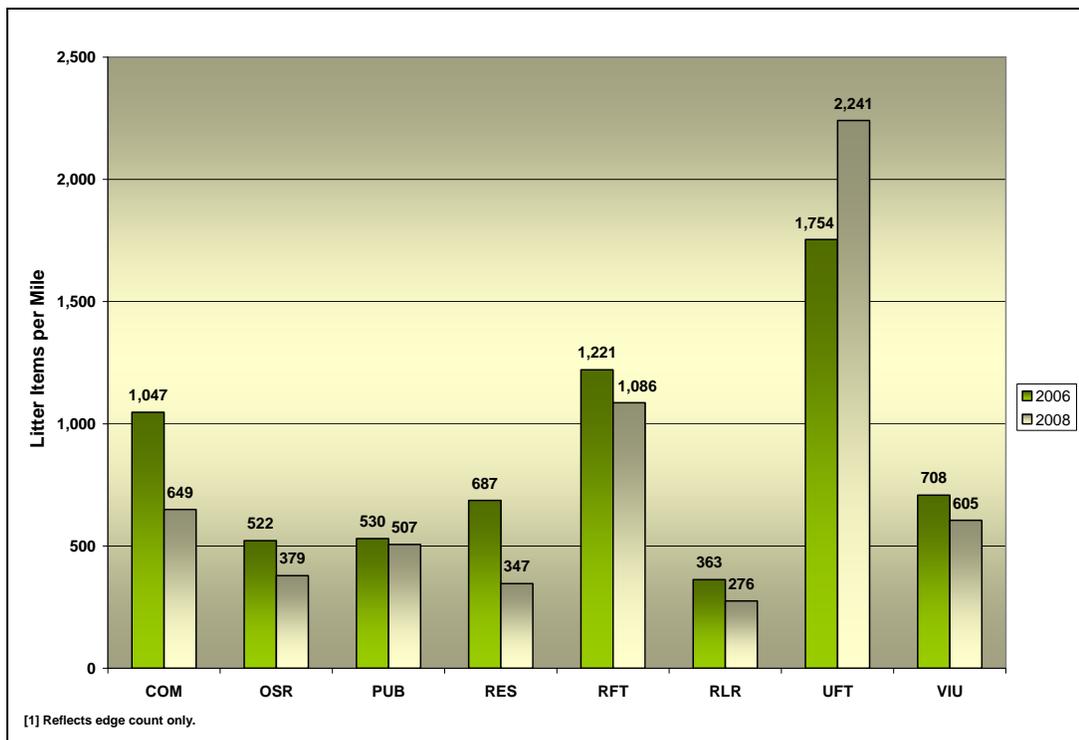


Figure 1-3: Average Litter Items-per-Mile by Roadway Type, 2006 and 2008

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- Much of the decline in litter appears to be due to a decrease in the types of material that are assumed to most commonly result from negligence (blowing out or being ejected from vehicles, vehicle accidents, blowing off of construction sites, escaping from overflowing trash receptacles, etc.) rather than deliberate littering, as shown in Table 1-3. Although still comprising well over half of the total number of litter items counted, the percent of items assumed to be most commonly littered as a result of negligence declined from 67 to 57 percent of the total.

Table 1-3
Composition of Litter, 2006 and 2008

Category	2006	2008
Deliberate		
Snack food packaging (candy, gum, etc.)	8.7%	11.1%
Take-out food packaging	3.0%	6.0%
Cups, lids, straws	6.4%	6.6%
Napkins, bags tissues	4.7%	6.1%
Beer and soft drink containers	3.8%	4.4%
Cigarette packs, lighters, matches	2.0%	2.4%
Bottle caps and seals	2.0%	2.3%
Juice, wine, liquor, water containers	1.1%	1.6%
Toiletries, toys, drugs	0.8%	1.0%
Pull tabs	0.3%	0.2%
Beverage carriers and cartons	0.2%	0.1%
Food Waste	0.0%	0.1%
Other Miscellaneous	0.0%	1.0%
Subtotal - Deliberate	32.9%	42.9%
Negligent		
Vehicle debris and packaging	9.6%	17.1%
Miscellaneous paper	19.2%	14.6%
Miscellaneous plastic	21.3%	11.7%
Construction and demolition debris	1.4%	6.2%
Miscellaneous metal and foil	8.1%	2.9%
Newspapers, magazines, books	1.4%	2.6%
Other (carpet, fabric)	1.9%	1.0%
Home food packaging (TV dinners, etc.)	0.2%	0.3%
Miscellaneous glass and ceramics	1.5%	0.3%
Advertising signs and cards	0.9%	0.2%
Wood and yard debris	1.6%	0.1%
Subtotal - Negligent	67.1%	57.1%
Total	100.0%	100.0%

1.2.2 Great American Cleanup

Another measure of the amount of litter on Georgia roadsides can be found by reviewing results from the Great American Cleanup. Every April, for the past 13 years, volunteers throughout Georgia and throughout the country have been picking up litter on roads in their communities as part of the Great American Cleanup. The Great American Cleanup is organized by local KAB affiliates. Figure 1-4 shows that the amount of litter collected per mile on Georgia roads declined from 2006 and 2008. The decline from 2006 to 2007 was more significant than from 2007 to 2008. The steeper decline in litter collected per mile between 2006 and 2007 could very likely be a result of the increase in litter awareness and prevention and abatement efforts resulting from the passage of the Litter Prevention and Abatement Act, the Governor's Litter Summit in August 2006, and other activities that took place in late 2006 and early 2007. Although litter collected per mile continued to decline between 2007 and 2008, the decline was not as great as in the prior year, possibly as a result of limited activity in late 2007 and early 2008 with regard to the statewide litter communications campaign.

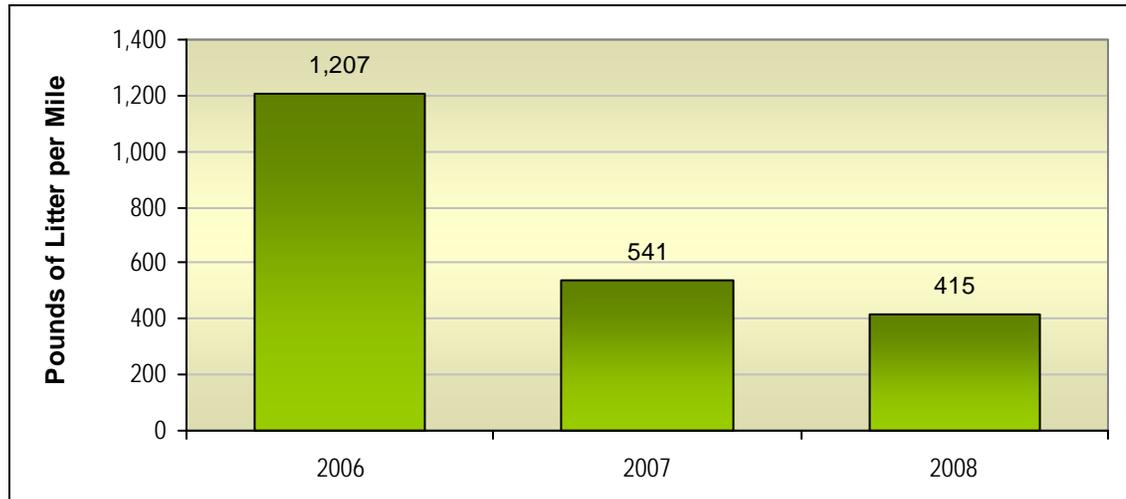


Figure 1-4: Litter Collected per Mile in the Great American Cleanup
2006 through 2008

1.2.3 Attitude Survey – 2006 and 2007

In 2006 and 2007, Responsive Management conducted a litter attitude survey of Georgia residents. The purpose of the attitude survey is to determine how Georgia residents view litter as a problem in the State as well as to determine the effectiveness of the public education campaign.

As illustrated in Figure 1-5, more respondents considered litter a problem in Georgia than in their particular community. Ninety-four percent of residents reported that litter was a problem in the State but only 77 percent reported that litter was a problem in their community. Forty-nine percent of respondents said litter was a major problem in Georgia while only 26 percent said litter was a problem in their community.

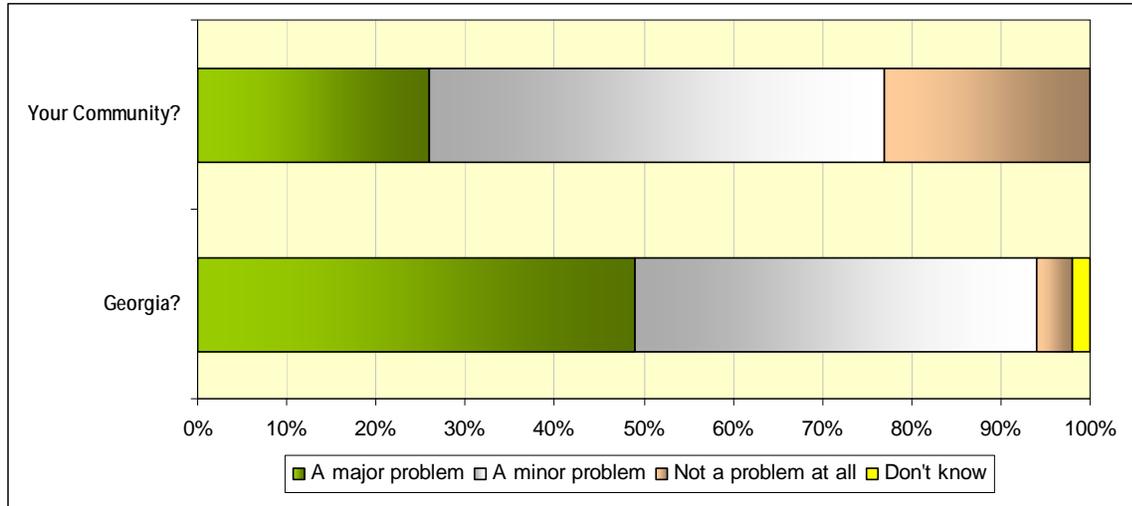


Figure 1-5: In general, would you say litter is a major problem, a minor problem, or not a problem at all? (2007)

Results from the Annual Solid Waste Survey of local governments throughout Georgia, conducted by DCA, suggests that public officials may not view litter as much of a problem as the public. In 2007, only 19.6 percent of the responding communities stated that their communities had chronic littering areas while 17.7 responded that they have chronic illegal dumping sites.

Participants in the 2006 and 2007 attitude survey also were asked if they had seen or heard of any litter prevention messages in Georgia. Figure 1-6 shows that from 2006 to 2007, there was a five percent increase in individuals who reported seeing or hearing litter prevention messages.

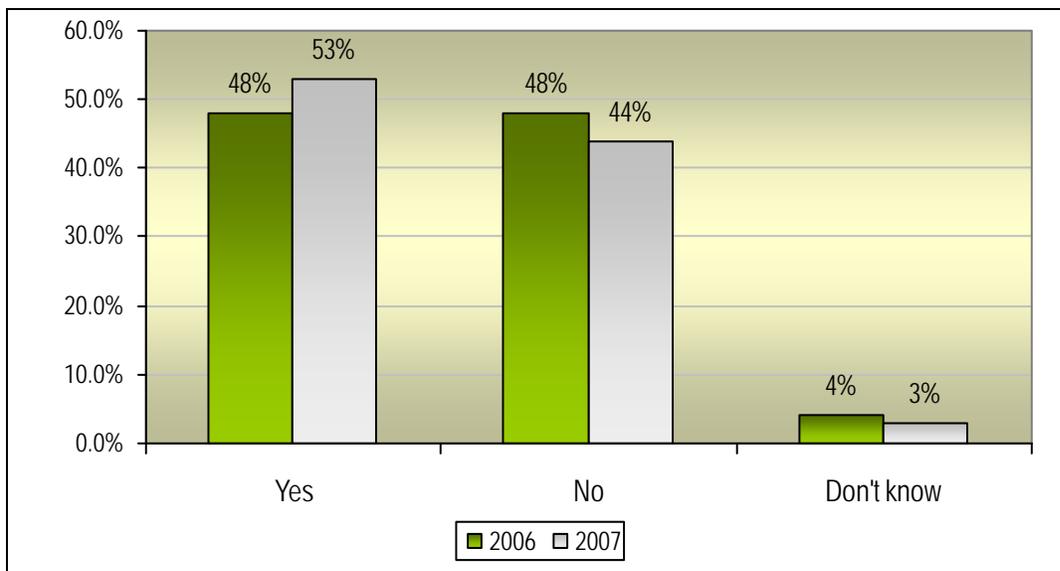


Figure 1-6: Litter Attitude Survey - Have you seen or heard any litter prevention messages in Georgia?

Of those that have heard or seen litter messages in Georgia, Figure 1-7 reflects an increase in the respondent's view of the effectiveness of these messages from 2006 to 2007. Although the percentage of those that replied that litter prevention messages were very effective did not change between 2006 and 2007, those that reported that the messages were somewhat effective increased by eight percent while those that reported the messages were not at all effective declined by nine percent.

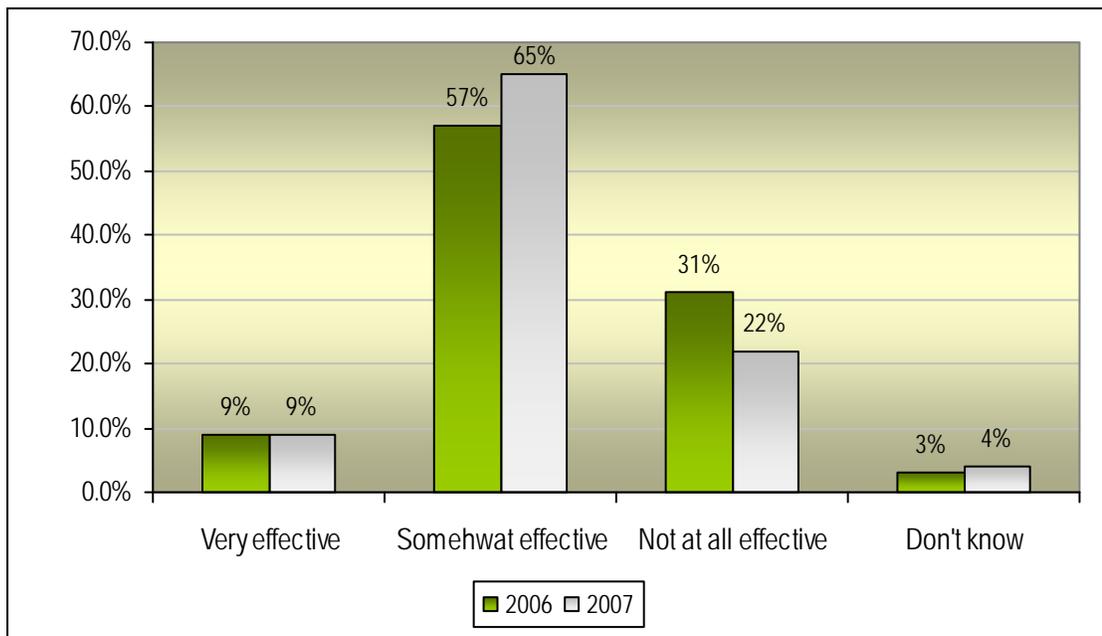


Figure 1-7: In general, how effective would you say the litter prevention messages you have seen in Georgia are in preventing people from littering?

The full report for the 2006 attitude survey can be found on www.litteritcostsyoudo.org.

Section 2

CLEAN COMMUNITY CHALLENGE

2.1 Introduction

The statewide approach to litter prevention and abatement entails several steps: (1) conducting an initial litter assessment; (2) developing a plan to address litter that includes education, enforcement, and eradication; (3) implementing the plan; (4) conducting follow-up assessments to measure progress; and (5) adjusting education, enforcement, and eradication programs based on the findings. Although the State is taking these steps at the statewide level, conducting statewide litter assessments and attitude surveys and developing and disseminating tools for education, enforcement, and eradication, litter is a local issue, and prevention and abatement will only be successful with a high level of involvement by local governments. Thus, one of the keys to successfully preventing and abating litter in the state of Georgia is enlisting local governments to follow a similar approach at the local level. This is being done through the Clean Community Challenge (CCC).

2.2 Requirements

The State has created a set of requirements for communities that want to participate in the CCC and resources for them to meet these requirements. Participating communities must take the following steps that mimic the statewide approach to addressing litter.

1. Designate a local contact person responsible for implementing the components of the CCC Program.
2. Develop a Litter Prevention Plan/Strategy by taking the following steps:
 - a) Conduct a visual litter index/survey in their community;
 - b) Conduct a litter attitude and awareness survey;
 - c) Review and confirm the Litter Community Profile information reported to DCA in the annual Solid Waste Management Survey;
 - d) Identify a list of partners/resources to help address littering; and
 - e) Identify strategies for addressing litter in their community.
3. Implement a litter prevention program in all three of the litter prevention areas: Enforcement, Education, and Eradication; at a minimum the programs shall include:

Enforcement:

- Enactment of a litter and illegal dumping ordinance at least as restrictive as the State's Comprehensive Litter Prevention and Abatement Act;

- Provide the *LITTER. It costs you.* enforcement education materials to all law and code enforcement personnel with responsibility for enforcing the litter prevention ordinance;
- At a minimum, have one local staff member, prosecutor, or law enforcement officer attend the *LITTER. It costs you.* enforcement training workshop sponsored by DCA;
- Maintain a log of enforcement activities and annually report this activity using DCA’s Annual Solid Waste Management Survey; and
- Conduct at least one “innovative enforcement activity” and report the results, (e.g., use of road blocks to distribute unsecured load information, conduct a special “litter sting” operation, establish a citizen littering reporting hotline, etc.).

Education:

- Must incorporate the *LITTER. It costs you.* campaign materials and report how they were used;
- Must develop outreach programs to address both intentional and “passive” littering—items that have fallen out or were blown off of trash and recycling trucks, from construction sites, unsecured loads, or debris left from damaged vehicles;
- Promotion of the YCCC program to schools and civic groups in their community; and
- Measured results must be reported using the *LITTER. It costs you.* attitude survey.

Eradication:

- Must conduct or coordinate at least one major clean-up activity a year including, but not limited to, a Great American Cleanup or Rivers Alive activity; and
 - If applicable, must promote DOT’s Adopt-A-Highway program.
4. Measure Performance and Report results. Using the on-line assessment and reporting tools, local governments are required to report their litter prevention progress on www.litteritcostsyoud.org. For these reports, a directory of “Best Management Practices” will be developed, posted to the Website and shared with other communities addressing similar littering or illegal dumping concerns.

2.3 Registered Communities

To date, 76 communities across Georgia have registered to meet the Clean Community Challenge. These communities are shown in Figure 2-1.

Registered Clean Community Challenge Participants

October 2008

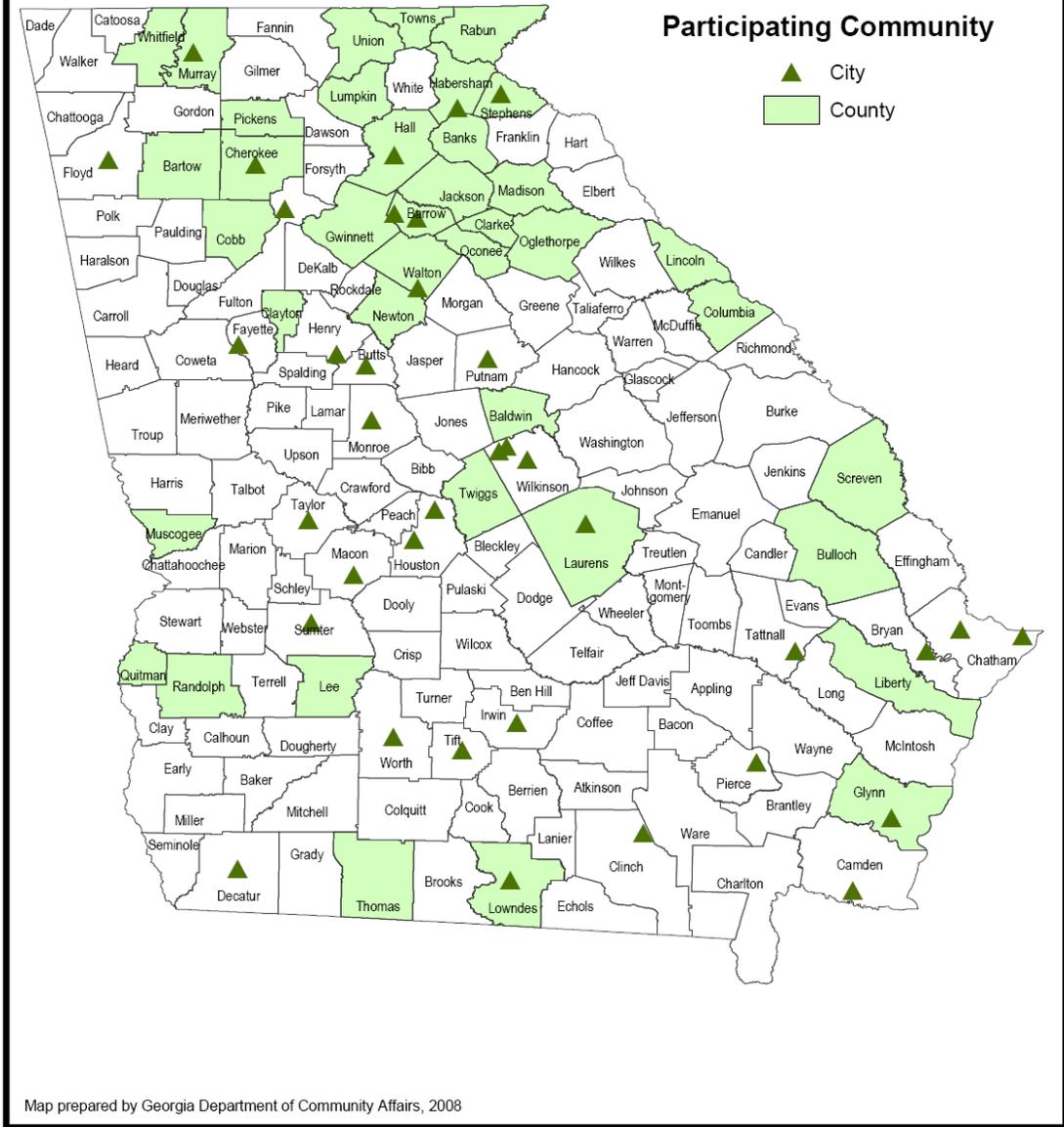


Figure 2-1: Registered Communities

2.4 Youth Clean Community Challenge

The Youth Clean Community Challenge is designed to encourage youth organizations and schools to take an active role in developing litter education, enforcement and eradication/clean-up activities. All elementary school age groups or schools must complete a lesson in each of the three-core litter prevention areas required to combat litter including education, enforcement and eradication/clean-up, and develop and implement at least one anti-litter activity in their community.

They must also report their success. Lesson plans, examples of anti-litter activities, and reporting forms can be found at www.litteritcostsyou.org.

Middle/High School aged participants must research the litter problem in their community and identify programs and activities underway in the three-core litter prevention areas of education, enforcement and eradication/clean-up by answering specific questions about education, enforcement, and eradication. In order to qualify for recognition through the Youth Clean Community Challenge, organizations must also take action and create a litter prevention program based on community research. To get started, participants must conduct a litter index before and after they implement their litter prevention program and report outcomes. As of October 2008, 97 youth groups and schools have registered for the Youth Clean Community Challenge.

3.1 The Governor's Litter Summit

Governor Sonny Perdue declared war on litter at the Governor's Litter Summit held in Atlanta, Georgia on August 29 and 30, 2006. At the Governor's Litter Summit, Governor Perdue unveiled the statewide anti-litter campaign, *LITTER. It costs you.* The Governor's Litter Summit was targeted at encouraging a comprehensive approach to Georgia's litter problems. The Litter Summit brought together national experts on

- Litter education;
- Litter enforcement; and
- Litter eradication.

Nearly 250 attendees received information and resources to combat litter in their communities, including the following:

- Litter training information;
- Litter case studies;
- Litter facts;
- Litter assessment and prevention tools; and
- Other litter tools and information.

At the Governor's Litter Summit, Governor Sonny Perdue stated that Georgians "are and will be in the attack until we win this war." Full remarks by Governor Perdue and other featured speakers can be viewed in their entirety at www.litteritcostsyoud.org.

3.2 *LITTER. It costs you.*

Since 2006, Georgia has made great strides in its statewide efforts to educate the public about litter. State agencies, local governments and volunteer organizations worked together with a private marketing communication team to develop *LITTER. It costs you.* a comprehensive

litter education, eradication and enforcement program. Prior to the development of the campaign, the team conducted an extensive review of existing and historical litter abatement programs and facilitated six focus groups to understand the perception of



Georgians on litter. The *LITTER. It costs you.* campaign includes the following major components:

- Brand;
- Mascot;
- Website;
- Advertisements Tools; and
- Other Educational Resources.

The *LITTER. It costs you.* campaign educates the public how litter costs Georgians money, beauty, health and safety.

3.2.1 The Mascot

Buster the Brown Trasher, the official campaign mascot, was named through a contest among local schoolchildren and is housed by KGB. As of June 2008, Buster has attended 46 events around the State. Some of these events included the Festival of Trees and Peach Bowl Parade. The marketing campaign team developed Buster the Brown Trasher educational tools such as activity books, stickers and other tools, which have been used around the State.



3.2.2 The Website

The *LITTER. It costs you.* Website, www.litteritcostsyoud.org, provides access to resources about education, enforcement, and eradication for a number of audiences including:

- Individuals;
- Schools and Kids;
- Communities and Government;
- Law Enforcement;
- Businesses; and
- Media.

In FY 2008, the *LITTER. It costs you.* Website received 16,199 page loads and 11,853 unique visitors. Figure 3-1 reflects the activity at the Website from July 2007 through June 2008. These data indicate the significant majority of visitors are first time visitors and that visitation generally increased until April (when Earth Day is observed and the Great American Clean Up takes place) and declined significantly in May and June 2008. As part of the Statewide Communications Campaign, which has been delayed but will be fully instituted in FY 2009, the Website will be upgraded and more comprehensive. The goal is that more communities and individuals will then use the Website as a resource for information about preventing and abating litter.

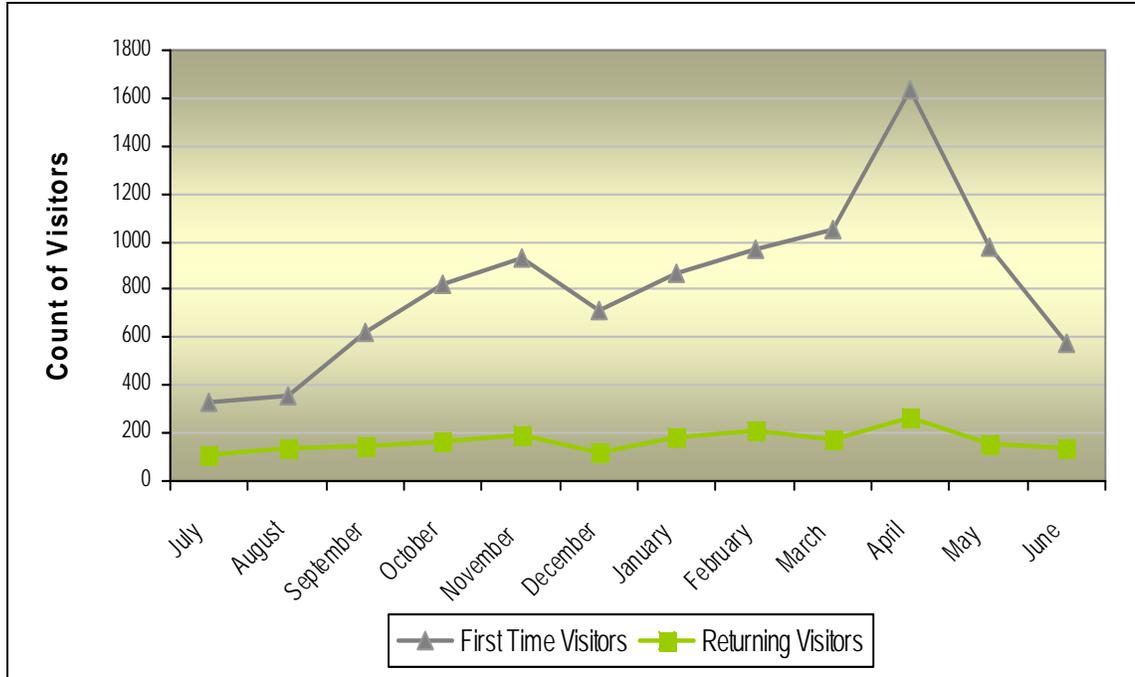


Figure 3-1: Summary of Litteritcostsyoud.org Activity (FY 2008)

Litter. It costs you. Campaign Scores a Homerun at Braves Games

The Governor's Litter Abatement and Prevention Task Force's Communications Committee selected Turner Field during Atlanta Braves home games as one of the primary methods of paid advertising because of its potential to reach the campaign's target market of 18 - 30 year old males. The advertising agreement included one full inning of advertising on the electronic panel of the outfield wall at every home game as well as a full-page advertisement (about 130,000 distribution) co-branded with the Atlanta Braves in the souvenir program. In addition, the Atlanta Braves produced and ran a public service announcement for the litter campaign featuring one of their relief pitchers prior to every home game as well. The advertising began in early May 2007 and ran throughout the rest of the regular season. The cost for this advertising was approximately \$1,000 for each home game.



3.3 Keep Georgia Beautiful

KGB, the first state affiliate of KAB, has been serving Georgia for over 30 years. KGB has been a leader in achieving the mission “to build and sustain community environmental activities and behaviors resulting in a more beautiful Georgia” including litter prevention and abatement. KGB has conducted many activities to educate teachers, students, residents and others about the impacts of litter including the following:

- Developed curriculum, such as Waste in Place and Clean Sweep, to be taught to Georgia students about the effects of litter;
- Distributes Educator Kits providing educators with information regarding litter and other environmental programs and resources available to educate the youth of Georgia;
- Educate local government and residents, as part of the Guide to Cigarette Litter Prevention developed by KAB, in regards to solutions and tools that they can put to use to reduce cigarette litter in their neighborhoods; and
- Much of KGB’s work in Georgia is done through over 70 local KAB affiliates. Figure 3-2 shows where the local KAB affiliates are located in the State. Eight new affiliates have formed in the last two years, in part because of the statewide emphasis on litter and the need for local organizations to coordinate litter abatement and prevention efforts in their communities.

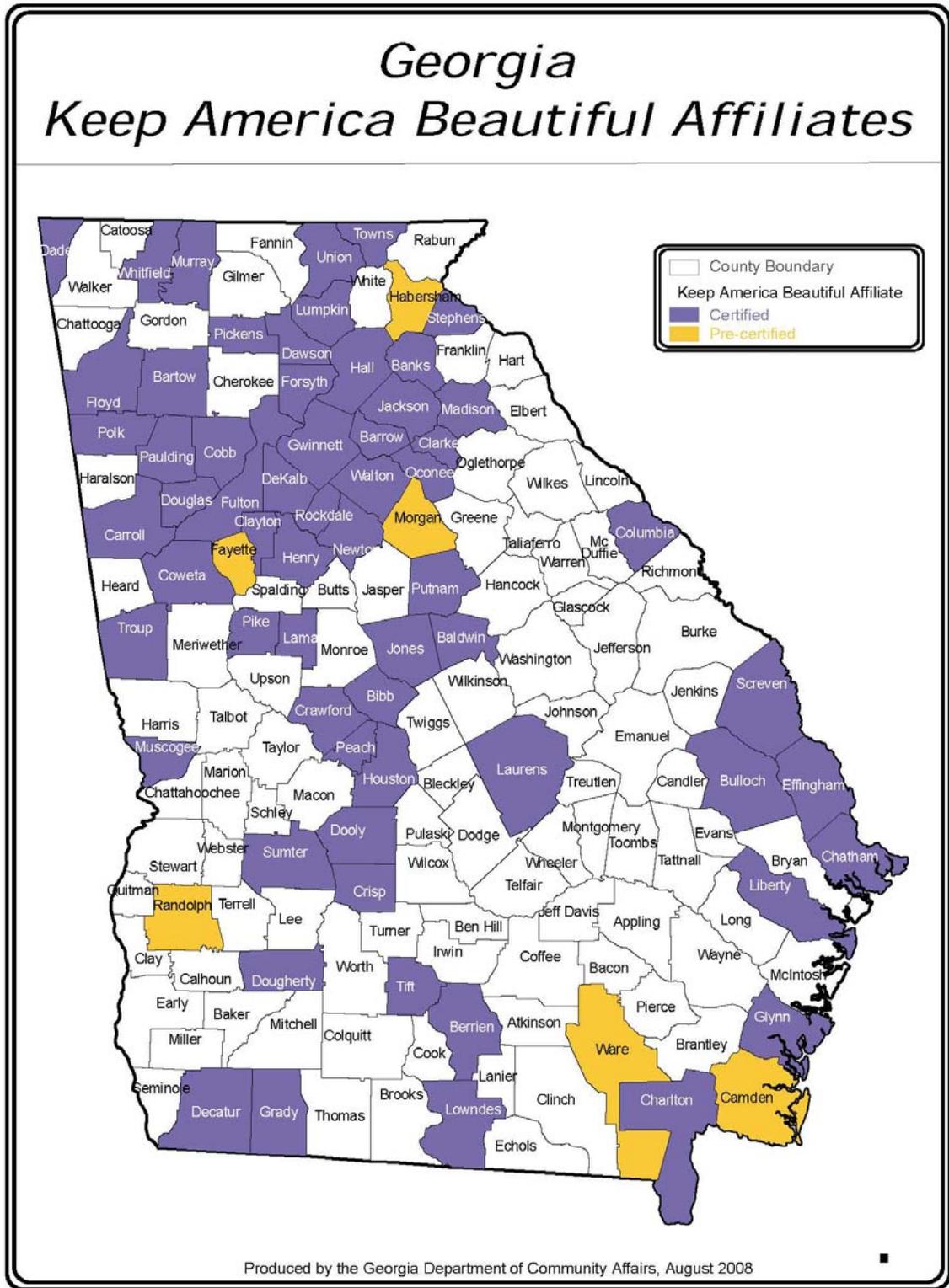


Figure 3-2: Map of Local KAB Affiliates, 2008

Section 3

Because of this historic role in litter prevention and abatement, KGB was naturally tapped to play a key role in the Governor's Litter Prevention and Abatement Team and in the *LITTER. It costs you.* campaign. In 2008 alone, affiliates conducted 435 education workshops. The goal is to bring all litter prevention and abatement activities conducted by KAB affiliates and others under the *LITTER. It costs you.* umbrella. To measure progress on this front, we asked all the affiliates to provide examples of how they had used the *LITTER. It costs you.* tools in their litter education, enforcement, and eradication efforts. Some of the examples of responses are listed below.

- Keep Barrow Beautiful places the Buster educational tools in waiting rooms of public buildings.
- Keep Pickens Beautiful, Keep Bulloch County Beautiful and other KAB affiliates use the Buster activity books in their school programs.
- Keep Effingham County distributed *LITTER. It costs you.* car litterbags to every public and private school in the community and during city and county government sessions, board training meetings, community appreciation breakfast and other community events.
- The *LITTER. It costs you.* campaign has made available press releases and public service announcements to communities throughout Georgia that are tailored for local use. For example, Keep Albany-Dougherty Beautiful included a *LITTER. It costs you.* article in the Albany Herald distributed to 27,000 residents and Keep Roberta/Crawford Beautiful included litter costs facts from *LITTER. It costs you.* campaign in the local newspaper.
- Keep Albany-Dougherty Beautiful has attached the *LITTER. It costs you.* logo to trash receptacles in a new city park.
- Keep Forsyth County Beautiful distributed *LITTER. It costs you.* t-shirts to residents in the County and Keep DeKalb Beautiful includes the campaign logo on volunteer t-shirts.
- Keep Clayton County Beautiful meets with the local Home Owners Associations to educate the community on *LITTER. It costs you.* campaign.
- Thirteen communities around the State were awarded "Away from Home" recycling trailers through a State grant program with the *LITTER. It costs you.* logo on the back. The Away from Home Recycling Program is projected to reach 4.5 million Georgia residents and visitors.

As the statewide litter campaign gets into full swing, the State will continue to invest resources to develop and distribute consistent litter prevention and abatement materials through existing organizations. The KAB affiliates are in the unique position to use these resources to expand the *LITTER. It costs you.* message with maximum impact at minimal individual cost.

3.4 Environmental Education in Georgia

Environmental Education in Georgia (EE in Georgia) has developed a database of environmental education lesson plans for respective grade levels based on Georgia's curriculum standards. For example, EE in Georgia offers lessons within KAB's Waste in Place curriculum guide that are consistent with the Georgia Performance Standards. In addition, EE in Georgia offers a searchable directory of Georgia's EE in Georgia organizations and the resources they offer and a statewide calendar of EE in Georgia events, EE in Georgia news, and easy-to-access facts about Georgia's environment. EE in Georgia was developed by Environmental Protection Division (EPD) of Georgia Department of Natural Resources in partnership with:

- Department of Community Affairs;
- Department of Education;
- Environmental Education Alliance of Georgia; and
- Georgia Parent Teacher Association (PTA).

The Marine Extension Service at the University of Georgia has developed a curriculum on marine debris and teaches a beach ecology and marine debris class to middle school students at Tybee Island.

3.5 Secure Your Load

The 2006 roadside litter assessment suggested that nearly two-thirds of the litter was a result of negligence, including unsecured material blowing from the back of vehicles. Unsecured loads cost Georgia citizens money, health and beauty. In addition, unsecured loads are dangerous. In 2004, a study by the American Automobile Association Foundation for Traffic Safety⁴ estimated that vehicle-related road debris, vehicle parts and cargo, contributes annually on average to 25,000 crashes in North America resulting in approximately 80 to 90 fatalities.

Georgia Department of Community Affairs distributes brochures and cards to educate the public about the possible impacts of unsecured loads. Georgia Department of Community Affairs distributed 100,000 "Secure Your Load" brochures in 2007 and 2008. "Secure Your Load" materials identify the facts, laws, penalties, and solutions regarding transportation of unsecured loads.



Keep it in Your Bed... Secure Your Load

Georgia taxpayers spend millions of dollars every year to remove trash that blows from truck beds. Transporting unsecured loads isn't just scandalous, it's illegal!



LITTER. It costs you 

⁴ Source: The Safety Impacts of Vehicle-Related Road Debris by AAA Foundation for Traffic Safety (June 2004)

Educating Pick-Up Truck Drivers to Secure Loads in Baldwin County

Since 2006, Georgia agencies, including Georgia Department of Transportation, Georgia Department of Natural Resources, Georgia State Patrol, Environmental Control Officer, Department of Public Safety, State Board of Pardons & Paroles, Baldwin County Sheriffs Department, GC&SU Public Safety, and Milledgeville Police Department, joined together to educate the residents of Baldwin County as to unsecured loads. As a part of this educational campaign, the Georgia agencies stopped 447 pick-up trucks in the course of 1.5 hours at three-license check points located throughout Baldwin County. At the checkpoints, Georgia officials distributed educational materials about unsecured loads including "Secure Your Load" brochures. In addition, the Georgia officials assisted the residents in properly securing their loads. During the one-day event, 71.8 percent of the pick-up trucks stopped had unsecured loads. Of the pick-up trucks with unsecured loads, the majority, 79.1 percent, received verbal warnings and the remainder received written warnings. The success of the program has led the neighboring counties of Wilkinson County, Jasper County and Putnam County, to perform similar education campaigns to combat unsecured loads in their communities.

3.6 Other Litter Education Program Partners

Throughout the State, public and private partners have expanded the reach of the *LITTER. It costs you.* message by incorporating aspects of the campaign into their own programs or advertising. For example, Pepsi's entire fleet of delivery trucks in Georgia displayed an anti-litter message featuring Buster the Brown Trasher and the *LITTER. It costs you.* logo and web address in addition to



the logos of Wild Adventures Theme Park and Pepsi. In addition to the Pepsi truck displays, Wild Adventures wrapped trashcans located throughout the park with Georgia's anti-litter message and pictures of the mascot. The Governor's Litter Summit and the www.litteritcostsyu.org Website have been sponsored by private companies such as The Coca-Cola Company, Weyerheuser, and the Georgia Beverage Association.

Section 4

LITTER ENFORCEMENT

The Comprehensive Litter Prevention and Abatement Act provided additional tools for State and local enforcement officers to reduce litter in Georgia. This section describes the achievements in litter enforcement in Fiscal Years 2007 and 2008.

4.1 Enactment of Comprehensive Litter Prevention and Abatement Act of 2006

In 2006, Georgia enacted the Comprehensive Litter Prevention and Abatement Act. In addition to establishing uniform penalties, the Act accomplishes the following:

- Broadens the definition of litter to include any discarded or abandoned item;
- Creates a new category of litter, egregious litter, for large quantities or particularly nasty litter;
- Defines littering offenses as felonies or misdemeanors;
- Holds drivers responsible for litter leaving their vehicles;
- Expands jurisdiction of courts to provide more opportunity to have litter violation cases tried; and
- Strengthens punishment for violators.

To assist law enforcement officials with litter enforcement in their communities, Georgia DCA developed a flow chart for law enforcement officials to use when writing a citation, shown in Figure 4-1. Thousands of copies have been printed and distributed.

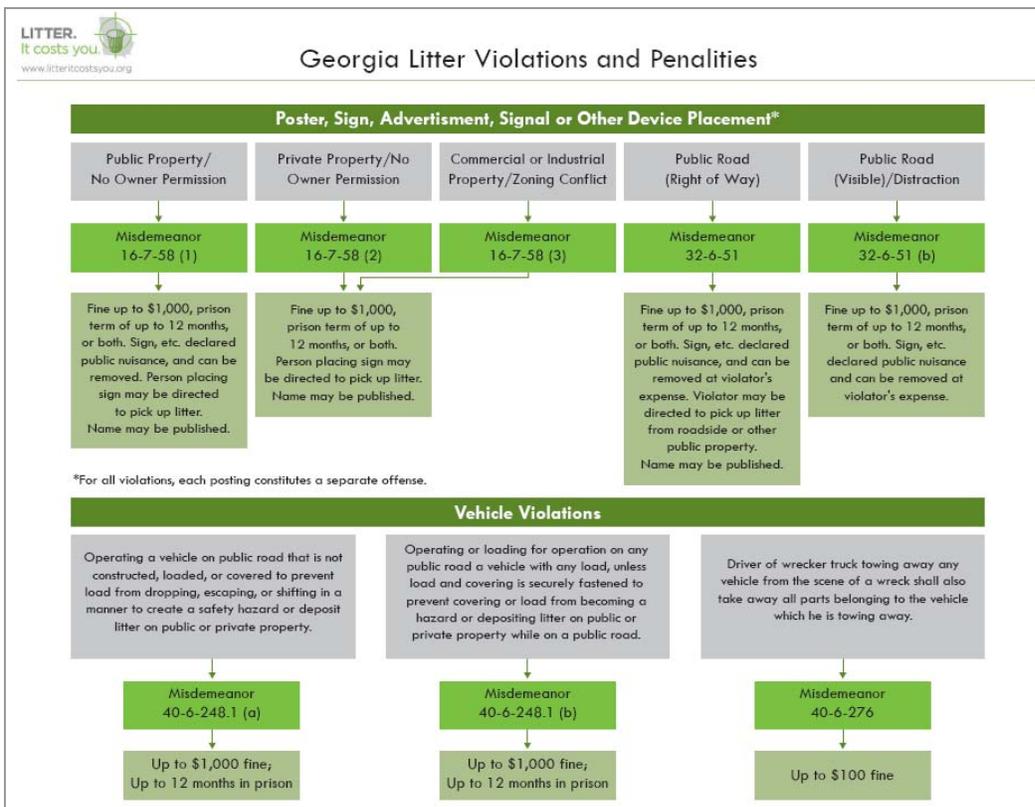
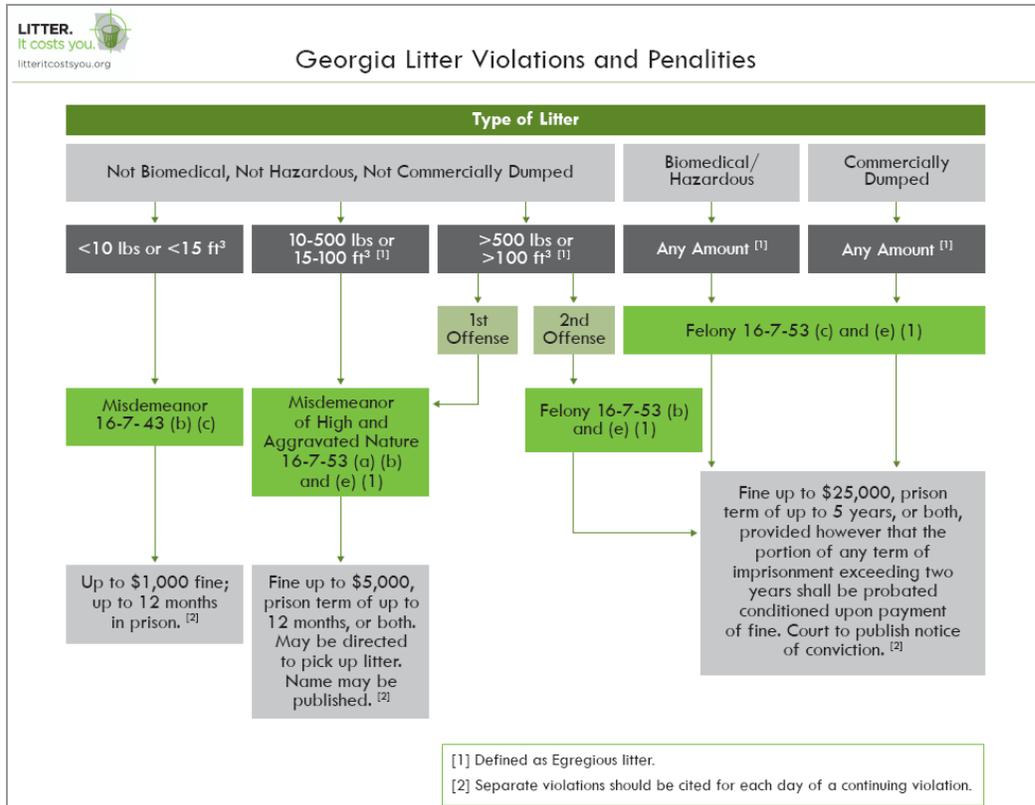


Figure 4-1: Summary of Penalties under the Georgia Litter Abatement Act

4.2 Enactment of Local Litter Ordinances

In their 2007 annual surveys submitted to the Georgia DCA,⁵ 62.4 percent of the local governments responding reported that they have a local ordinance addressing littering. Although the data across years are not directly comparable since different local governments respond each year, this percentage is significantly higher than the 46.6 percent of respondents that reported that they had a litter ordinance in 2005. To assist local governments in developing local ordinances, the Georgia DCA developed a model litter control ordinance to provide local government with an example when developing or updating their own litter ordinances.

4.3 Litter Enforcement Training Program

Since the enactment of the 2006 Comprehensive Litter Prevention and Abatement Act, more than 500 prosecutors, judges, code enforcement, and local government officials have been trained on what the new State law allows and how to enforce it. In Fiscal Years 2007 and 2008, DCA and the Georgia Department of Natural Resources (DNR) conducted eight litter-enforcement workshops. Each participant took home a training manual that includes the presentation materials from the training, key litter facts, a summary of the Act, samples of public education materials, a guidance document on how to investigate a litter crime scene, litter enforcement case studies, guidance on establishing an environmental court, an enforcement officer tool kit, and a list of resources and references.

In addition to the training performed by DCA, some local KAB affiliates have embraced litter training in their communities. For example, Keep Bulloch County Beautiful conducted a litter round table

Tough Love for Litterers in Dougherty County, Georgia

In rural Dougherty County, Georgia, illegal dumping and littering is a serious problem. Each year, Judy Bowles, Executive Director of Keep Albany-Dougherty Beautiful, conducts a six-week education blitz, using television and newspaper public service announcements, to educate citizens about littering and illegal dumping. The education campaign is coupled with an aggressive approach to enforcement.

When an illegal dumpsite is discovered by law enforcement officers, and the culprit is identified, local media is invited to the dumpsite where, standing amidst the pile of litter, the apparent offender's name, the potential court date, and potential fines are announced. This approach is a win-win for the community - the media is provided with an interesting story, additional education regarding littering is provided (free of charge), and future offenders are deterred via humiliation and embarrassment.

To get local judges to take these offenses seriously, judges, along with City department heads, were taken on a bus tour of illegal dumpsites in the County. This created an opportunity to educate the attendees, showing them firsthand how litter and illegal dumping impacts the community, and provided them with a public forum to state their resolve to stop such crimes. The result, according to Ms. Bowles, was markedly stiffer sentencing for litterers and illegal dumpers.

⁵ No data are available for other years since the Comprehensive Litter Prevention and Abatement Act was passed so the changes over time cannot be evaluated.

with local police chief, sheriff, solicitor, attorneys, judges and other interested parties. Many local governments and KAB affiliates, such as Keep Warner Robins Beautiful and Keep Smyrna Beautiful, report that they have distributed the *LITTER. It costs you.* enforcement materials, such as the laminated Georgia Litter Violations and Penalties card to local law enforcement officers. Litter enforcement training materials can be found at www.litteritcostsyoudo.org.

4.4 Litter Enforcement Action

The Comprehensive Litter Prevention and Abatement Act provided more agencies with the authority to enforce laws against litter. The law states that all law enforcement agencies, officers, and officials of the State or any political subdivision or any enforcement agency, officer, or any official of any commission or authority of the State or any political subdivision can enforce compliance. Any of these entities can appoint any person, who is a U. S. citizen of good moral character that has not been previously convicted of a felony, to enforce the provisions of this code section. Enforcement of litter laws requires dedication of staff time. In the 2007 annual survey of local governments, 38.9 percent reported that their local government had an environmental code enforcement program and/or officer. Keep Barrow County Beautiful reported that nearly 30 percent of the Executive Director's time is spent handling litter code violations.

Figure 4-2 presents the findings from the 2007 annual survey of local governments regarding the number of litter complaints or violations witnessed by a code enforcement officer. In their responses to the Annual Solid Waste Survey, local governments reported a total of 33,815-logged complaints related to litter. This is a three-fold increase from the 11,033 reported in 2005.

Forty-five percent of the local governments responding to the question "*How many complaints/violations were witnessed by code enforcement officers?*" in 2007 stated that **no** litter complaints or violations were witnessed by code enforcement officers and 43 percent reported that between 1 and 50 litter complaints or violations were witnessed by code enforcement officers. With regard to illegal dumping, 40 percent reported no illegal dumping complaints or violations were witnessed by code enforcement officers while 45 percent reported that between 1 and 50 illegal dumping complaints or violations were witnessed by code enforcement officers.

**Litter Violators Beware
In Augusta-Richmond County**

Augusta-Richmond County's dedicated officers investigate and prosecute litter violations in their community. Augusta-Richmond Enforcement Division works closely with Georgia EPD, Georgia DNR, County Code Enforcement Office, Civil and Magistrate Courts, neighborhood organizations and residents to combat litter in their community. The Division is comprised of five dedicated officers two officers respond to complaints and three officers patrol the County for violations. The Enforcement Division issues 1,000 to 1,250 citations per year related to illegal dumping, littering, inoperative or junk vehicles, unauthorized use of a private receptacle, vehicles traveling on the roadways with an unsecured load and other County Code violations. One place they target negligent litterers is outside the landfill gate where garbage trucks exiting the landfill may not have fully emptied their load, thus remaining trash blows out and becomes litter.

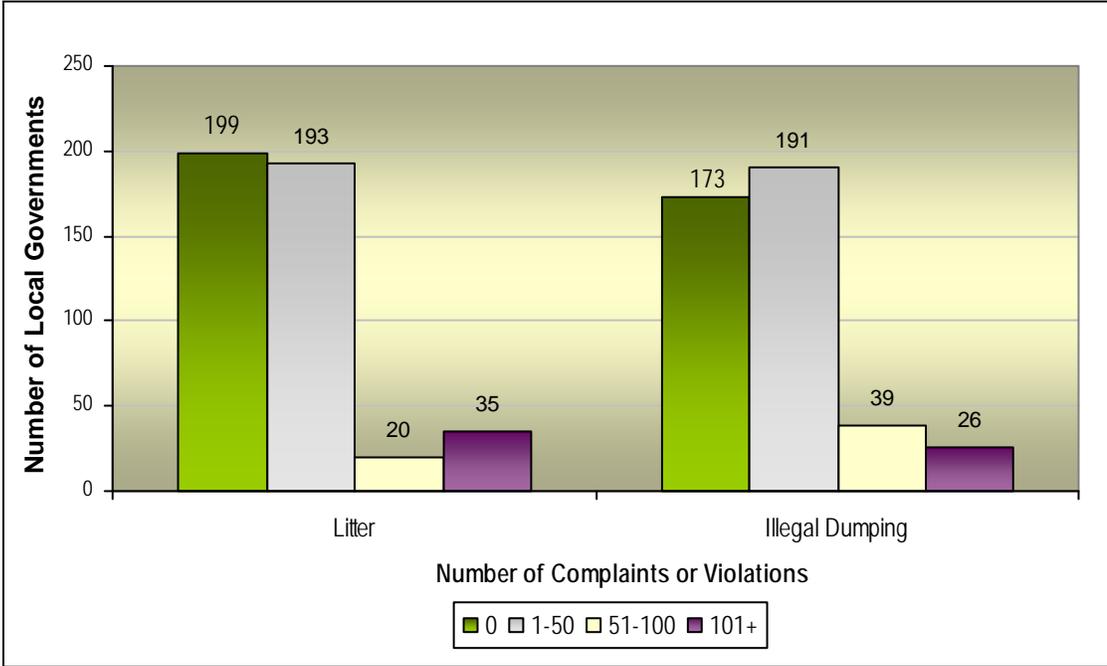


Figure 4-2: Number Complaints/ Violations Witnessed by Code Enforcement Officers, 2007

Figures 4-2 and 4-3 show that many local governments did not have the information available (the green bar) to determine how litter and illegal dumping complaints or violations were resolved. Those that did report the resolution of litter complaints and violations report that most of the time, the complaints were resolved without a citation, conviction or fine. One hundred and four local governments reported that 1 to 50 litter complaints resulted in a citation while 72 local governments reported that 1 to 50 litter complaints resulted in a conviction or fine. Only six local governments reported that more than 50 litter complaints resulted in a citation while nine reported that more than 50 resulted in a conviction or fine. These data suggest that in many places, although

Section 4

there is a State law and likely to be a local law with strict penalties for litter, in many places, these laws are not being enforced.

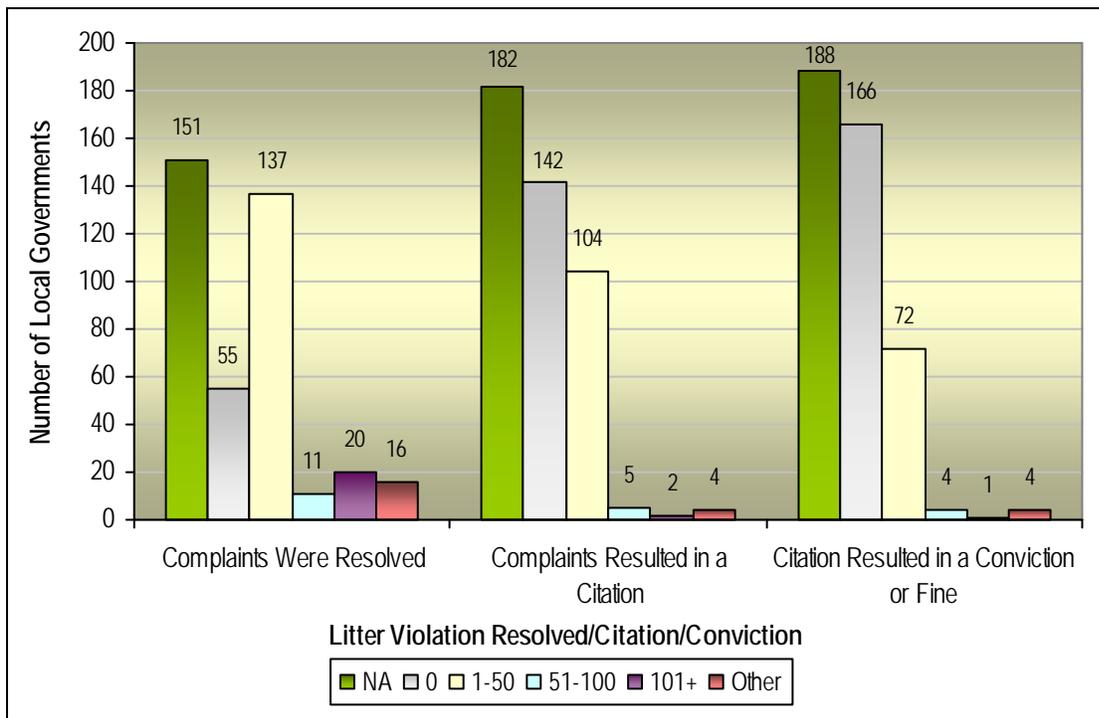


Figure 4-3: Outcome of Litter Complaints/Violations, 2007

Although most enforcement agencies do not keep data specific to identifying litter violations, the Wildlife Resources Division of the Georgia Department of Natural Resources is one State agency that does maintain records regarding their activities related to litter. The Division reports that they issued 950 litter-related violations in FY 2007. Of the violations, 36 percent were egregious litter as defined by the 2006 Litter Prevention and Abatement Act. *Egregious* littering is littering of particularly large amounts or particularly problematic materials and is a felony. The ability of the Wildlife Resources Division to focus on litter violations in FY 2007 was due in part to funding from the Solid Waste Trust Fund, which provided \$150,000 to support the investigative efforts of law enforcement officers for litter-related violations. These funds were not allocated for future fiscal years and it is possible that the number of litter-related violations will decline as a result.

Section 5

LITTER ERADICATION

Litter eradication through cleanups and control devices is a critical component in preventing and abating litter. Research done by KAB shows that people are more likely to litter in areas that are already littered. The most visible form of litter eradication may be cleanups, which use government workers, community service workers or volunteers to physically pick up trash. According to the 2007 annual survey of local governments, 48.0 percent of local governments conduct litter reduction activities or have a litter reduction program in place. Section 4 presents some of the eradication programs conducted in Fiscal Years 2007 and 2008 throughout the State.

5.1 Georgia Department of Transportation

The Georgia DOT is tasked with litter pickup on Georgia's interstates and the State highway system by constitutional law. About 150 DOT routine maintenance crews, 49 prison crews, 3,000 weekend probationers and around 400 volunteer Adopt-A-Highway organizations regularly pick up litter on our system.

The Georgia DOT annually removes litter from 1,245 interstate miles and 18,000 state route miles and spends an estimated \$15 million per year doing so. During the Great American Cleanup alone, the DOT picked up 486 tons of litter, requiring 59,000 person-hours and costing taxpayers \$1.3 million. This does not include the efforts of cities and counties who are responsible for cleanup litter along another 96,818 miles of roadsides.

5.2 Great American Cleanup

Each spring, Georgians participate in the Great American Cleanup, an annual community improvement campaign throughout the United States commenced by KAB in 1999. For 2008, KGB joined with Georgia District Kiwanis International for the Great American Cleanup. The Great American Cleanup had a remarkable 867 events throughout the state of Georgia in 2008. Approximately 57,800 volunteers donated 308,500 hours and collect 1.9 million pounds of litter from 4,600 miles of Georgia roadways. Figure 5-1 shows the locations that participated in the 2008 Great American Cleanup while Table 5-1 shows trends in participation and accomplishments of the Great American Cleanup over the past three years. Even though the number of volunteer hours increased, the amount of trash decreased over the years, supporting the conclusion that litter has declined in the past few years.

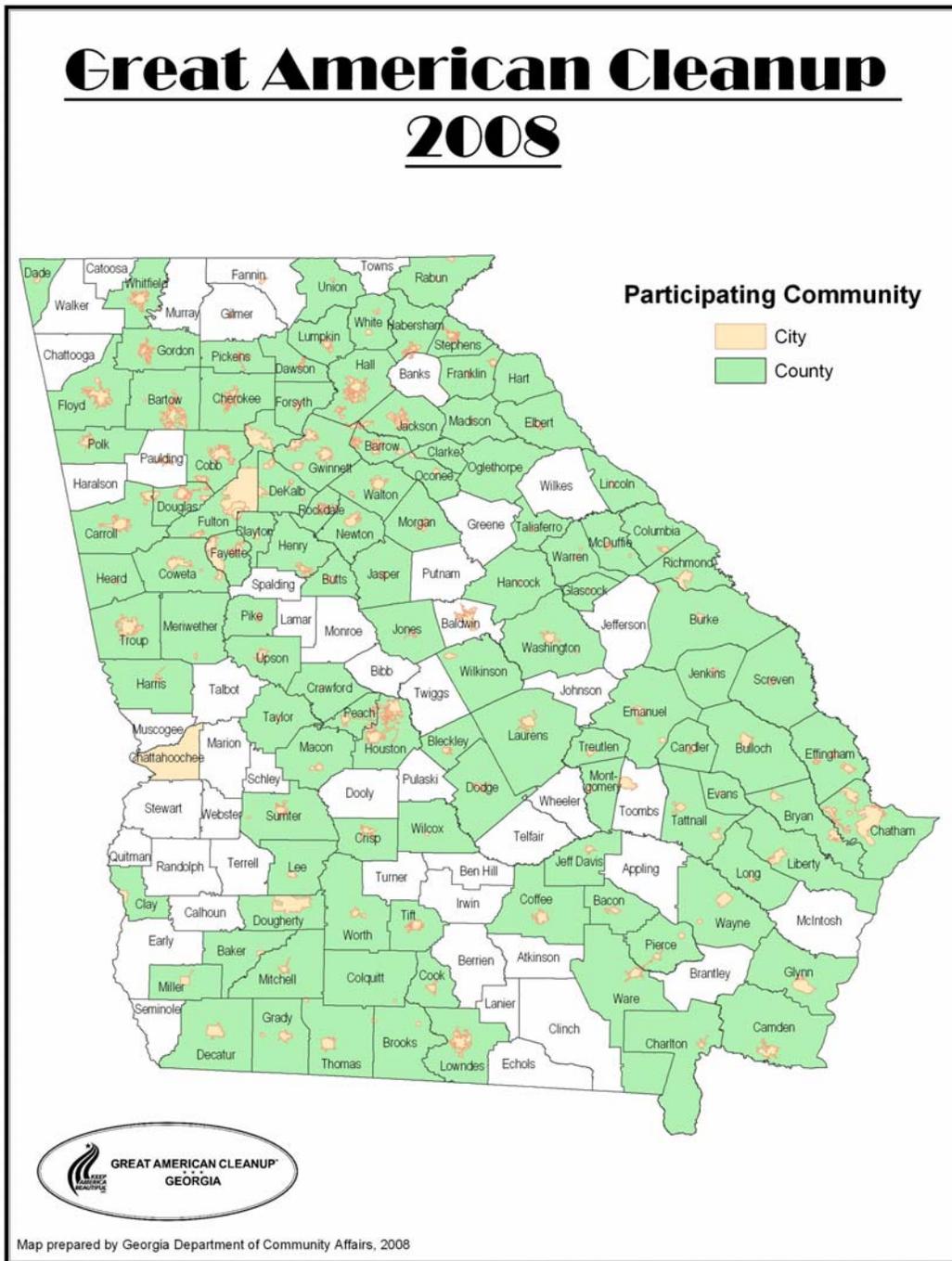


Figure 5-1: Map of Great American Cleanup Participants, 2008

Table 5-1
Great American Cleanup Statistics

Category	2006	2007	2008	Total
Count of Communities	277	567	431	1,275
Count of Volunteers	50,853	65,438	57,831	174,122
Count of Volunteer Hours	247,269	203,426	308,491	759,185
Count of Illegal Dumps	298	263	234	795
Lbs. of Trash	4,007,012	2,523,825	1,913,298	8,444,135
Miles of Road Cleaned	3,320	4,661	4,613	12,594
Lbs. of Trash/ Mile of Road Cleaned	1,207	541	415	NA

Figure 5-2 below contains photographs from the 2008 Great American Cleanup.



Figure 5-2: 2008 Great American Cleanup Photographs

5.3 Rivers Alive Program

Georgia has over 70,000 miles of rivers and streams. Rivers Alive, a program offered through Georgia's Environmental Protection Division, is an annual volunteer waterway cleanup event. Rivers Alive targets all waterways, including streams, rivers, lakes, beaches, and wetlands in Georgia. Since the early 1990s, Rivers Alive has brought volunteers together to remove litter from miles of waterways. In 2007, over 25,000 River Alive volunteers removed over 700,000 pounds of garbage. Figure 5-3 shows that the total amount of garbage removed has increased annually over the past 15 years (except a drop in 1995 and 2001). A comparison of the pounds of garbage collected per mile shows a slight increase from calendar year 2006 to calendar year 2007, from 296 pounds per mile to 311 pounds per mile. An increase in the amount of litter collected per mile in the Rivers Alive program is the opposite of that found in the roadside litter assessment and the Great American Cleanup, which showed a decrease in litter per mile. Although the reason that the garbage per mile appeared to increase along rivers while it decreased along roads can not be definitively explained, it is

possible that in a time of drought, which the State has experienced in recent years, more garbage along the edge of rivers is exposed and collected.

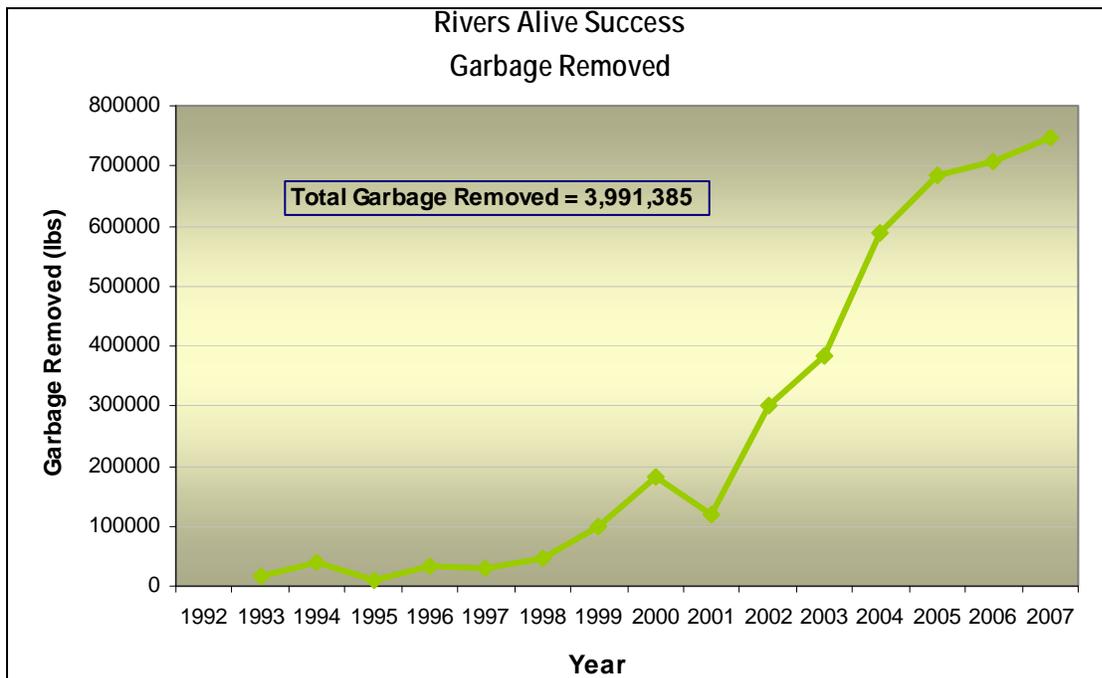


Figure 5-3: Litter Removed by Rivers Alive Program

5.4 Adopt-A-Highway and Adopt-A-Stream Programs

Adopt-A-Highway Program, a partnership between the Georgia Department of Transportation and local KAB, enlists volunteers to remove litter from our roadways. As shown in Table 5-2, in FY 2008, the Adopt-A-Highway program had 285 active groups involved with the cleaning of 305 miles of Georgia Roads. The number of litterbags collected per mile of road clean decreased between 2007 and 2008, which is consistent with the findings from the Statewide Litter Assessment as well as results from the Great American Cleanup.

Table 5-2
Adopt-A-Highway Program Statistics

Category	2007	2008	Total
Count of Adopt-A-Highway Groups	308	285	593
Count of Volunteers	6,746	6,779	13,525
Count of Volunteer Hours	10,012	9,384	19,396
Count of Roadside Litter Bags	10,260	8,786	19,046
Miles of Road Cleaned	340	305	645
Roadside Litter Bags/ Mile of Road Cleaned	30.2	28.8	NA

The Georgia Department of Natural Resources sponsors a similar Adopt-A-Stream program focusing on waterways in Georgia. Currently, Adopt-A-Stream has over 300 groups comprised of thousands of volunteers that engage in waterway monitoring and cleanup activities.

Section 6

STATE EXPENDITURES ON LITTER

6.1 Expenditures

The state of Georgia spends millions of dollars to prevent and abate litter each year. Table 6-1 shows that the litter expenditures by Georgia Department of Community Affairs (DCA), Georgia Department of Transportation (DOT) and Georgia Department of Natural Resources (DNR) totaled nearly \$16 million in FY 2007 and \$15.7 million in FY 2008. For DCA, most of these costs were attributable to education activities and the statewide media campaign. Much of Georgia DOT costs were for eradication, including personnel, equipment, materials, prison labor costs and other costs involved in removing litter from Georgia roads. In 2008, \$10 million of the \$15 million expended was for personnel, equipment, and material to clean-up approximately 19,245 miles of interstate and state roads in Georgia. As to the expenditures by DNR, approximately 65 percent of the total expenditures for FY 2007 and 2008, were attributed to the development of the *LITTER. It costs you.* campaign. These costs do not include those spent by local governments, not-for-profit organizations, and others to prevent and abate litter. By some estimates, these expenditures are equal, if not more than those spent by State agencies, resulting in an estimated total cost of over \$30 million per year to prevent and abate litter.

Table 6-1
Litter Expenditures in Georgia

Department	FY 2007	FY 2008
Georgia Department of Community Affairs	\$753,455	\$348,249
Georgia Department of Transportation	\$14,961,797	\$15,215,960
Georgia Department of Natural Resources	\$278,640	\$111,481
Total	15,993,892	15,675,690

In an article previewing KAB's 2008 Annual Survey (not yet released), it is reported that "each year governmental agencies, businesses and educational institutions spend about \$11 billion for litter collection and education efforts." Although state-level data regarding litter expenditures is difficult to find, the South Carolina Department of Transportation reports that in 2008, it spent \$6.3 million for personnel, equipment, and material related to litter cleanup on approximately 41,000 miles of roadways.

Section 7 CONCLUSIONS

Georgia has made strides in the last two years to prevent and abate litter in the State. Results from the Roadside Litter Assessment and the Statewide Attitude Survey indicate that Georgians are more aware of litter and are littering less. This progress is attributable to the partnerships among State and local agencies, KAB affiliates, law enforcement personnel, and the numerous State and local organizations that have played a role in litter prevention and abatement. The results from the past two years leads to the following conclusions and recommendations to build on the initial success of the State's focus on preventing and abating litter to improve the quality of life in Georgia.

1. Revive the Statewide *LITTER. It Costs You.* Campaign with a Dual Focus on Negligent and Deliberate Sources of Litter

There are some indications that decreases in litter were more significant in FY 2007 than in FY 2008. The results from the Great American Clean Up , for example, show that pounds of litter per mile dropped by 55 percent between 2006 and 2007 and then by 23 percent from 2007 and 2008. The dramatic decline between 2006 and 2007 may be due, in part, to the publicity garnered as a result of the passage of the Litter Prevention and Abatement Act, the Governor's Litter Summit, and the subsequent flurry of activities and public information about litter and how it impacts the quality of life in Georgia. Statewide attention was particularly focused on litter from mid-2006 through early 2007. It was anticipated that the Statewide Communications Campaign would begin at that time and through the Campaign activities, keep the spotlight on litter as a quality of life issue in Georgia. However, due to a delay in procuring a communications firm to lead the campaign, the Statewide Communications Campaign did not begin in FY 2007 or FY 2008, which may have resulted in a slowdown in the reduction in litter in FY 2008. The results from the upcoming attitude survey will assess how attitudes about litter have changed in the past year. The Communications Campaign is now expected to begin in FY 2009 using, in part, unspent Solid Waste Trust Fund dollars from the prior years.

2. Reconcile the Discrepancy Between Public and Public Official Perception of Litter as a Problem

Another issue revealed in the Annual Report is the discrepancy between the public's attitude toward litter versus that of the local officials that completed the annual litter survey. When the public was asked, "*In general, would you say litter is a major problem, a minor problem, or not a problem at all in Georgia?*" 90 percent saw litter as a problem. On the other hand, only 19.6 percent of the responding communities stated that their communities had chronic littering areas in the Annual Solid Waste Survey of local governments. This suggests that although the public sees litter as a

problem in Georgia, most local officials do not see it as a particular problem in their community. The State will continue to reach out to local officials through the Communication Campaign, enforcement workshops, and other avenues, to communicate how litter costs communities and individuals and resources to address litter.

3. Register More Local Governments in the Clean Community Challenge

Communities and organizations that do view litter as a problem in their community have an organized approach to address it through the State's Clean Community Challenge. The resources and requirements that the State has established, and will continue to expand through the Statewide Communications Campaign, offers participants a cost-effective, proven, and consistent approach to education, eradication, and enforcement.

4. Provide Resources and Incentives for a Diversity of Partners to Embrace the Statewide Communications Campaign

The Statewide Communication Campaign will expand the resources available to stakeholders to prevent and abate litter in the State. However, with limited resources, the success of the Campaign will depend on these tools being used at the local level by government, businesses, and not for profit organizations. Thus, one of the necessary steps is for groups like Hands on Georgia, KAB affiliates, Georgia Department of Transportation, and private industry to embrace and co-brand the campaign with their programs.

5. Develop a Statewide Litter Strategy Based on Quantitative Goals

Now that the State has data about the amount, type, and source of litter, it can begin to develop a litter prevention and abatement strategy that establishes quantitative goals and an implementation strategy for achieving them. Specifically, the State should set goals with regard to questions like "What litter rates (items per mile) are we trying to reach?" and "What percentage of 'yes' responses do we want to the questions 'is litter a major problem'?" or "Have you seen litter messages?"

The results from the 2006 and 2008 Roadside Litter Assessments suggest which sources of litter have the most significant effect on litter as a whole. Preliminary results from the 2008 Roadside Litter Assessment suggests that sources of litter in the state of Georgia are evenly split between "deliberate" sources (people intentionally throwing trash out of their car windows or dropping trash on the ground) and "negligent" sources (such as trash blowing out of the back of pick up trucks, untarped vehicles, off of construction sites, or spilling out of overflowing garbage containers). Therefore, an effective strategy will have to include tactics to address both of these types of sources. The results from this study will also inform the strategy by indicating what factors influence the amount of litter. For example, if an increase in the number of traffic lights or stop signs on rural roads is found to increase the amount of litter, then a local government may want to focus its enforcement efforts along roads with many stopping points or direct eradication activities to these areas.

In summary, the amount of litter counted on the roads in Georgia appears to have declined in the past two years. However, litter will only continue to decrease with ongoing education, enforcement, and eradication. To be successful, the State needs to renew its Statewide Communication Campaign; continue to expand the number of communities that have registered for the Clean Community Challenge; enlist more agencies, organizations, and private companies in efforts to co-brand the Campaign with their programs; develop a strategy for preventing and abating litter based on quantitative data from recent studies; and measure results and adjust strategy accordingly.

Appendix A
COMPREHENSIVE LITTER PREVENTION AND
ABATEMENT ACT

GEORGIA GENERAL ASSEMBLY

06 HB1320/AP

House Bill 1320 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 70th, Burkhalter of the 50th, Ralston of the 7th, Willard of the 49th, Rice of the 51st, and others

A BILL TO BE ENTITLED

AN ACT

To extensively revise various provisions relating to littering and related environmental offenses; to provide a short title; to amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, so as to change certain provisions relating to littering public and private property; to change certain provisions relating to waste control; to provide for impoundment of vehicles involved in certain littering offenses; to amend Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, so as to change certain provisions relating to prohibited placement of campaign posters, signs, and advertisements; to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to change certain provisions relating to definitions relative to solid waste; to provide for reports by the Department of Community Affairs concerning prevention and abatement of litter; to change certain provisions relating to definitions relative to hazardous waste management; to change certain provisions relating to definitions relative to hazardous site response; to amend Title 15 of the Official Code of Georgia Annotated, relating to

courts, so as to provide for jurisdiction of certain courts over littering offenses; to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to provide for trial of certain littering offenses upon a summons or citation without an accusation; to change certain provisions relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law"; to amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to change certain provisions relating to securing loads on vehicles; to change certain provisions relating to erection, placement, or maintenance of an unlawful or unauthorized structure and removal thereof; to change certain provisions relating to littering highways; to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, so as to provide for jurisdiction over littering offenses; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system; to provide for editorial revisions; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

This Act shall be known and may be cited as the "Comprehensive Litter Prevention and Abatement Act of 2006."

PART II
SECTION 2-1.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 2, relating to littering public and private property, and inserting in lieu thereof the following:

"Part 2

16-7-40.

~~This part shall be known and may be cited as the 'Litter Control Law.'~~
Reserved.

16-7-41.

~~Repealed.~~ Reserved.

16-7-42.

As used in this part, the term:

(1) ~~'Litter' means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in paragraph (6) of Code Section 16-7-51~~ any discarded or abandoned:

(A) Refuse, rubbish, junk, or other waste material; or

(B) Dead animals that are not subject to the provisions of Code Section 4-5-4.

(2) '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; ~~and residential or farm properties, timberlands, or forests;~~ or any commercial or industrial property.

16-7-43.

(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 state or any waters in this state, unless:

(1) The ~~property~~ area is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to so use such ~~property~~ area;

(2) The litter is placed into a nondisposable litter receptacle or container ~~installed on such property~~ designed for the temporary storage of litter and located in an area designated by the owner or tenant in lawful possession of the 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)(1) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor, ~~and, upon conviction thereof, shall be punished as follows:~~

~~(1) By a fine of not less than \$200.00 nor more than \$1,200.00; and~~

(2) In addition to the punishment provided under paragraph (1) of this subsection:

~~(2)(A)~~ In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter the person has

deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

(B) In the sound discretion of the judge of the court, the person may be directed to pick up and remove from any public beach, public park, private right of way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

(c) The court may publish the names of persons convicted of violating subsection (a) of this Code section.

(d) Any county, municipality, consolidated government, or law enforcement agency thereof of this state which is empowered by Code Section 16-7-45 or other law to enforce the provisions of this Code section or local littering ordinances may, in its discretion, appoint any person who is a citizen of the United States, is of good moral character, and has not previously been convicted of a felony to enforce the provisions of this Code section or local littering ordinances within the county, ~~or~~ municipality, or consolidated government in which the appointing agency exercises jurisdiction. Each person appointed pursuant to this Code section shall take and subscribe an oath of office as prescribed by the appointing authority. Any person appointed and sworn pursuant to this subsection shall be authorized to enforce the provisions of this Code section or local littering ordinances in the same manner as any employee or law enforcement officer of this state or any county, ~~or~~ municipality, or consolidated government of this state subject to the limitations provided in subsections (e) and (f) of this Code section.

(e) No person appointed pursuant to subsection (d) of this Code section shall be deemed a peace officer under the laws of this state or:

(1) Be deemed to be an employee of or receive any compensation from the state, county, municipality, consolidated government, or appointing law enforcement agency;

(2) Be required to complete any training or be certified pursuant to the requirements of Chapter 8 of Title 35;

(3) Have the power or duty to enforce any ~~other~~ traffic or other criminal laws of the state, county, ~~or~~ municipality, or consolidated government;

(4) Have the power to possess and carry firearms and other weapons for the purpose of enforcing the littering laws; or

(5) Be entitled to any indemnification from the state, county, ~~or~~ municipality, or consolidated government for any injury or property damage sustained by such person as a result of attempting to enforce the littering laws of this state or any local government.

(f) Notwithstanding any law to the contrary, neither the state nor any county, municipality, ~~or other political subdivision~~ consolidated government of this state or any department, agency, board, or officer of this state or any county, municipality, ~~or political subdivision~~ consolidated government of this state shall be liable or accountable for or on account of any act or omission of any person appointed pursuant to this Code section in connection with such person's enforcement of the provisions of this Code section or local littering ordinances.

(g) It shall be unlawful for any person willfully to obstruct, resist, impede, or interfere with any person appointed pursuant to this Code section in connection with such person's enforcement of this Code section or local littering ordinances or to retaliate or discriminate in any manner against

such person as a reprisal for any act or omission of such person. Any violation of this subsection shall be punishable as a misdemeanor.

16-7-44.

(a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of Code Section 16-7-43, ~~it shall be prima-facie evidence~~ the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated this part.

(b) Except as provided in subsection (a) of this Code section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of Code Section 16-7-43 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, ~~it shall be a rebuttable presumption~~ the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this part.

16-7-45.

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission or authority of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this part.

16-7-46.

All public authorities and agencies having supervision of properties of this state are authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the

property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of this part, and to otherwise publicize the availability of litter receptacles and requirements of this part.

16-7-47.

(a) As used in this Code section, the term 'household garbage' means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

(b) The governing authority of each county, municipality, or consolidated government of this state which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only. If a container is clearly marked 'household garbage only,' it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.

(c) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by any county, municipality, or consolidated government for the dumping of trash or garbage.

(d) Any person who violates subsection (b) or (c) of this Code section shall be guilty of a misdemeanor.

16-7-48.

(a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to litter.

(b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling litter within the ~~corporate limits of a municipality~~ jurisdiction of any county, municipality, or consolidated government. Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances."

SECTION 2-2.

Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, is amended by striking Part 3, relating to waste control, and inserting in lieu thereof the following:

"Part 3

16-7-50.

~~This part shall be known and may be cited as the 'Waste Control Law.'~~
Reserved.

16-7-51.

As used in this part, the term:

(1) 'Biomedical waste' means that term as defined in paragraph (1.1) of Code Section 12-8-22 ~~on January 1, 1993~~.

(2) 'Commercial purpose' means for the purpose of economic gain.

(3) 'Dump' means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

~~(6)~~(4) 'Egregious litter' 'Waste' means all discarded substances and materials whatsoever litter, as such term is defined in paragraph (1) of Code Section 16-7-42, exceeding ten pounds in weight or 15 cubic feet in volume; or any such discarded or abandoned substance in any

weight or volume if biomedical waste, hazardous waste, or a hazardous substance, ~~or; or~~ or any such substance or material dumped for commercial purposes. ~~Such term includes, without limitation, sand; gravel; slag; brickbats; rubbish; waste material; tin cans; refuse; garbage; trash; debris; dead animals; bottles; boxes; containers; papers; tobacco products; tires; appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; motor vehicles and motor vehicle parts; vessels; aircraft equipment; waste oil; batteries; antifreeze; sludge from a waste-water treatment facility, water supply treatment plant, or air pollution control facility; air contaminants from any source or facility; and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.~~

~~(4)(5)~~ 'Hazardous substance' means that term as defined in paragraph (4) of Code Section 12-8-92 ~~on January 1, 1993.~~

~~(5)(6)~~ 'Hazardous waste' means that term as defined in paragraph (10) of Code Section 12-8-62 ~~on January 1, 1993.~~

16-7-52.

It shall be unlawful for any person to intentionally dump waste egregious litter unless authorized to do so by law or by a duly issued permit:

- (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;
- (2) In or on any fresh-water lake, river, canal, or stream or tidal or coastal water of the state; or

(3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state law, rule, or regulation.

16-7-53.

(a) Any person who intentionally dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in an amount not exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall be guilty of a misdemeanor of a high and aggravated nature. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(b) Any person who intentionally dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in an amount exceeding 500 pounds in weight or 100 cubic feet in volume which is not biomedical waste, hazardous waste, or a hazardous substance and not for commercial purposes shall upon the first offense be guilty of a misdemeanor of a high and aggravated nature ~~and shall upon~~ Upon the second and each subsequent offense such person shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than ~~two~~ five years, or both; provided, however, that the portion of any term of imprisonment exceeding two years shall be probated conditioned upon payment of a fine imposed under this subsection. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(c) Any person who intentionally dumps ~~waste~~ egregious litter in violation of Code Section 16-7-52 in any quantity if the ~~waste~~ substance is biomedical waste, hazardous waste, or a hazardous substance or if the

dumping is for commercial purposes shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$25,000.00 for each violation or imprisoned for not more than ~~two~~ five years, or both; provided, however, that the portion of any term of imprisonment exceeding two years shall be probated conditioned upon payment of a fine imposed under this subsection. For purposes of this subsection, each day a continuing violation occurs shall constitute a separate violation.

(d) In addition to the penalties provided in subsections (a) and (b) of this Code section, the court may order the violator to remove or render harmless any ~~waste~~ egregious litter dumped in violation of Code Section 16-7-52, repair or restore property damaged by or pay damages resulting from such dumping, or perform public service related to the removal of illegally dumped ~~waste~~ egregious litter or to the restoration of an area polluted by such ~~waste~~ substance.

(e)(1) The court shall cause to be published a notice of conviction for each person convicted of violating any provision of this Code section. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of a nonresident, in the legal organ of the county in which the person was convicted. Such notice of conviction shall contain the name and address of the convicted person; date, time, and place of arrest; and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed the cost of publication of such notice, and such assessment shall be imposed at the time of

conviction in addition to any other fine imposed pursuant to this Code section.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.

16-7-53.1.

(a) Whenever a person has been arrested for a violation of Code Section 16-7-52 committed while driving, moving, or operating a vehicle, the arresting law enforcement agency may impound the vehicle that the person was driving, moving, or operating at the time of arrest until such time as the arrestee claiming the vehicle meets the conditions for release in subsection (b) of this Code section or a person other than the arrestee meets the conditions for release in subsection (c) of this Code section.

(b) A vehicle impounded pursuant to this Code section shall not be released unless the person claiming the vehicle:

(1) Presents a valid driver's license, proof of ownership or lawful authority to operate the motor vehicle, and proof of valid motor vehicle insurance for that vehicle; and

(2) Is able to operate the vehicle in a safe manner and would not be in violation of Title 40.

(c) A vehicle impounded pursuant to this Code section may be released to a person other than the arrestee only if:

(1) The vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and

meets the conditions for release in subsection (b) of this Code section;

or

(2) The vehicle is owned or leased by the arrestee, the arrestee gives written permission to another person to operate the vehicle, and the conditions for release in subsection (b) of this Code section are met.

(d) A law enforcement agency impounding a vehicle pursuant to this Code section may charge a reasonable fee for towing and storage of the vehicle. The law enforcement agency may retain custody of the vehicle until that fee is paid.

16-7-54.

Whenever any ~~waste~~ egregious litter which is dumped in violation of Code Section 16-7-52 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon, addressed to such person or in any other manner indicating that the article belongs or belonged to such person, it ~~shall be a rebuttable presumption~~ the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated this part.

16-7-55.

(a) Nothing in this part shall limit the authority of any state agency, county, municipality, or consolidated government to enforce any other laws, rules, or regulations relating to ~~waste~~ egregious litter or the management of solid, biomedical, or hazardous waste.

(b) Nothing within this part shall be construed to prohibit the adoption of local ordinances regulating and controlling egregious litter within the jurisdiction of any county, municipality, or consolidated government.

Violation of such ordinances shall be punished as provided in the municipal charter or local ordinances.

16-7-56.

Nothing in this part shall be construed so as to repeal, supersede, amend, or modify any provision of Title 12."

SECTION 2-3.

Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to elections and primaries generally, and Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property, are amended by striking Code Section 21-2-3, relating to prohibited placement of campaign posters, signs, and advertisements, and inserting in lieu thereof in said Article 2 of Chapter 7 of Title 16 the following:

"Part 3A

~~21-2-3~~ **16-7-58.**

(a) It shall be unlawful for any person to place ~~campaign~~ posters, signs, and or advertisements:

~~(1) Within the right of way of any public streets, roads, or highways;~~

~~(2)~~(1) On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights of way of public roads shall be governed by Code Section 32-6-51;

~~(3)~~(2) On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such campaign posters, signs, and or advertisements on such property; or

~~(4)~~ Reserved;

~~(5)~~(3) On any property zoned for commercial or industrial uses if the placement of such campaign posters, signs, and or advertisements conflicts with any zoning laws or ordinances.

(b) Any poster, sign, or advertisement placed in violation of paragraph (1) of subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public property or building, including without limitation law enforcement officers, may remove or direct the removal of the same.

(c) Each poster, sign, or advertisement placed in violation of this Code section shall constitute a separate offense.

~~(b)~~(d) Any person who violates this Code section shall be guilty of a misdemeanor shall be punished the same as for littering under Code Section 16-7-43."

PART III

SECTION 3-1.

Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, is amended by striking paragraph (1.1) of Code Section 12-8-22, relating to definitions relative to solid waste, and inserting in lieu thereof the following:

"(1.1) 'Biomedical waste' means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals,

contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of the board as such rule existed on January 1, 2006, and other such waste materials."

SECTION 3-2.

Said chapter is further amended in Code Section 12-8-31, relating to a solid waste management plan, by adding a new subsection to read as follows:

"(e) By December 31, 2006, and annually thereafter, the Department of Community Affairs, as part of the annual solid waste report required in subsection (d) of this Code section and in cooperation with state agencies and other entities involved in litter prevention or abatement, shall report to the Governor and the General Assembly the status of litter prevention and abatement in this state. The litter report shall include but not be limited to:

- (1) An itemization of expenditures made from the Solid Waste Trust Fund for the prevention and abatement of litter;
- (2) A compilation and analysis of litter prevention, collection, and enforcement efforts;
- (3) An assessment of littering in this state;
- (4) A statement of progress in achieving a litter prevention ethic; and
- (5) Recommendations for improving litter abatement and prevention efforts."

SECTION 3-3.

Said chapter is further amended by striking paragraph (10) of Code Section 12-8-62, relating to definitions relative to hazardous waste management, and inserting in lieu thereof the following:

"(10) 'Hazardous waste' means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on ~~February 1, 1996~~ January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste."

SECTION 3-4.

Said chapter is further amended by striking paragraph (4) of Code Section 12-8-92, relating to definitions relative to hazardous site response, and inserting in lieu thereof the following:

"(4) 'Hazardous substance' means any substance listed on the List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R., Part 302, Table 302.4, in force and effect on February 1, 1996, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R., Part 355, Appendix A, in force and effect on ~~February 1, 1996~~ January 1, 2006."

SECTION 3-5.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new Code section to read as follows:

"15-9-30.7.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the probate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A probate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-6.

Said title is further amended by adding a new Code section to read as follows:

"15-10-2.1.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the magistrate courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a

misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A magistrate court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-7.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking Code Section 17-6-9, relating to acceptance of cash bonds in lieu of statutory bond or recognizance by officers or officials authorized to enforce the "Litter Control Law," and inserting in lieu thereof the following:

"17-6-9.

Any law enforcement officer or official of a political subdivision of this state who is authorized to enforce Part 2 of Article 2 of Chapter 7 of Title 16, ~~the 'Litter Control Law,'~~ and who is authorized by the judge having jurisdiction of the offense to accept cash bonds may accept a cash bond for the personal appearance at trial of the person arrested in lieu of a statutory bond or recognizance. The procedures connected with such cash bonds, including, but not limited to, duties of the arresting officer, forfeiture, distribution of proceeds, and discretion of court as to disposal of the cash bond, shall be the same procedures applicable to arrest by a sheriff for a violation of any litter law."

SECTION 3-8.

Said title is further amended by adding a new Code section to read as follows:

"17-7-73.

In probate, magistrate, and municipal courts that have jurisdiction over violations of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that are punishable as misdemeanors in accordance with Code Section 15-9-30.7, 15-10-2.1, or 36-32-10.3 such offenses may be tried upon a summons or citation with or without an accusation."

SECTION 3-9.

Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, and Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, are amended by striking Code Section 32-6-21, relating to securing loads on vehicles, and inserting in lieu thereof in said Title 40 the following:
"~~32-6-21~~ 40-6-248.1.

(a) As used in this Code section, the term 'litter' has the meaning provided by paragraph (1) of Code Section 16-7-42.

~~(a)~~(a.1) No vehicle shall be driven or moved on any public road unless such vehicle is constructed or loaded or covered so as to prevent any of its load from dropping, escaping, or shifting in such a manner as to ~~create~~;

(1) Create a safety hazard; or

(2) Deposit litter on public or private property while such vehicle is on a public road.

However, this Code section shall not prohibit the necessary spreading of any substance in public road maintenance or construction operations.

(b) No person shall operate or load for operation, on any public road, any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent said covering or load from becoming:

(1) Becoming loose, detached, or in any manner becoming a hazard to other users of the public road; or

(2) Depositing litter on public or private property while such vehicle is on a public road.

(c) Nothing in this Code section nor any regulations based thereon shall conflict with federal, Georgia Public Service Commission, or Georgia Board of Public Safety regulations applying to the securing of loads on motor vehicles.

(d) The provisions of paragraph (2) of subsection (a) and paragraph (2) of subsection (b) of this Code section and regulations based thereon shall not apply to ~~vehicles carrying~~ organic debris that escapes during the transportation of silage from field or farm to storage and storage to feedlot or ~~vehicles or equipment carrying unginned cotton~~ during the transportation of agricultural or farm products or silvicultural products from farm or forest to a processing plant or point of sale or use."

SECTION 3-10.

Said chapter is further amended by striking Code Section 32-6-51, relating to erection, placement, or maintenance of unlawful or unauthorized structure and removal thereof, and inserting in lieu thereof the following:

"32-6-51.

(a)(1) It shall be unlawful for any person to erect, place, or maintain within the dedicated right of way of any public road any sign, signal, or other device except as authorized by this subsection or subsection (d) of this Code section or as required or authorized by Code Section 32-6-50 or any other law.

(2) The erection, placement, and maintenance of signs within the dedicated rights of way of county roads or municipal streets may be authorized and governed by ordinances adopted by governing authorities of counties and municipalities having jurisdiction over such roads or streets, which ordinances as to such dedicated rights of way of county roads or municipal streets may be as or less restrictive than the provisions of paragraph (1) of this subsection.

(b) It shall be unlawful for any person to erect, place, or maintain in a place or position visible from any public road any unauthorized sign, signal, device, or other structure which:

(1) Imitates, resembles, or purports to be an official traffic-control device;

(2) Hides from view or interferes with the effectiveness of any official traffic-control device;

(3) Obstructs a clear view from any public road to any other portion of such public road, to intersecting or adjoining public roads, or to property abutting such public road in such a manner as to constitute a hazard to traffic on such roads; or

(4) Because of its nature, construction, or operation, constitutes a dangerous distraction to or interferes with the vision of drivers of motor vehicles.

(c) Any sign, signal, device, or other structure erected, placed, or maintained on the dedicated right of way of any public road in violation of subsection (a) or (b) of this Code section or in violation of any ordinance adopted pursuant to subsection (a) of this Code section is declared to be a public nuisance, and the officials having jurisdiction of the public road affected may remove or direct the removal of the same. Where any sign, signal, device, or other structure is erected, placed, or maintained in violation of subsection (b) of this Code section, but not on the dedicated right of way of any public road, the officials having jurisdiction of the public road affected may order the removal of such structure by written notice to the owner of the structure or the owner of the land on which the structure is located. If such structure is not removed within 30 days after the giving of such order of removal, such officials are authorized to remove or cause to be removed such structure and to submit a statement of expenses incurred in the removal to the owner of the structure or to the owner of the land on which the structure is located. If payment or arrangement to make payment is not made within 60 days after the receipt of said statement, the department shall certify the amount thereof for collection to the Attorney General.

(d)(1) As used in this subsection, the term:

(A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of passengers of public transportation systems owned and operated by governmental units or public authorities or located on county or municipality rights of way for the convenience of residents.

(B) 'Commercial ~~advertisement~~ advertisements' means a any printed or painted ~~sign encouraging or promoting the purchase or use of goods or services but does not include campaign posters, signs, or~~

~~advertisements prohibited by Code Section 21-2-3~~ signs on a bus shelter for which space has been rented or leased from the owner of such shelter.

(2) Bus shelters, including those on which commercial advertisements are placed, may be erected and maintained on the rights of way of public roads subject to the following conditions and requirements:

(A) Any public transit system wishing to erect and maintain a bus shelter on the right of way of a state road shall apply to the department for a permit, and as a condition of the issuance of the permit, the department must approve the bus shelter building plans and the location of the bus shelter on the right of way; provided, however, that such approval is subject to any and all restrictions imposed by Title 23, U.S.C., and Title 23, Code of Federal Regulations relating to the federal-aid system. This paragraph shall entitle only public transit systems or their designated agents the right to be issued permits under this paragraph;

(B) If the bus shelter is to be located on the right of way of a public road other than a state road within a county or municipality, application for permission to erect and maintain such shelter shall be made to the respective county or municipality. Such application shall conform to the county's and municipality's regulations governing the erection and maintenance of such structures. When the county or municipality is served by a public transit agency or authority, the applications for all bus shelters on routes of such agency or authority shall also be forwarded by the applicant to such transit agency or authority and subject to the approval of such agency or authority; and

(C) As a condition of issuing a permit for the erection of a bus shelter on the right of way of a state road, the department shall require that the bus shelter shall be properly maintained and that its location shall meet minimum setback requirements as follows:

(i) Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing concrete sidewalk; or

(ii) Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.

(3) Any bus shelter erected and maintained on the right of way of a public road in violation of paragraph (2) of this subsection or in violation of the conditions of the permit issued by the department or in violation of the conditions of the consent of the county or municipality is declared to be a public nuisance and if it is determined to be a hazard to public safety by the department, county, or municipality, it may be removed or its removal may be ordered by the department or the governing authority of the respective county or municipality. In every case of removal of a bus shelter as a hazard to public safety by the department, a county, or a municipality, a good faith attempt shall be made to notify the owner of its removal. In such cases where the department, county, or municipality orders the removal of the bus shelter as a public nuisance, if such a bus shelter is not removed by its owner within 30 days after its owner has been issued a written order of removal by the department or the governing authority of the respective county or municipality, the department or the governing authority of the respective county or municipality may cause the bus shelter to be removed and submit a statement of expenses incurred in the

removal to the owner of the bus shelter. In the case of a statement of expenses for removal of a shelter on a state road, if payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the department shall certify the amount thereof to the Attorney General for collection.

(4) The person to whom a permit has been issued for the erection and maintenance of a bus shelter on the right of way of a public road or who places such shelter on a public road other than a state road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless the State of Georgia, the department, and any county or municipality against all losses or damages resulting solely from the existence of the bus shelter.

(5) Permits for shelters on state roads shall be issued under this subsection only to cities, counties, or public transportation authorities owning or operating public transportation systems or their designated agents.

(e) Each sign erected, placed, or maintained in violation of paragraph (1) of subsection (a) of this Code section shall constitute a separate offense.

(f) Any person who violates paragraph (1) of subsection (a) of this Code section shall be punished the same as for littering under Code Section 16-7-43. Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor."

SECTION 3-11.

Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to municipal courts, is amended by adding a new Code section to read as follows:

"36-32-10.3.

(a) Subject to the provisions of subsection (b) of this Code section, in addition to any other jurisdiction vested in the municipal courts, such courts shall have the right and power to conduct trials, receive pleas of guilty, and impose sentence upon defendants for violating any provision of Part 2, Part 3, or Part 3A of Article 2 of Chapter 7 of Title 16 or Code Section 32-6-51 or 40-6-248.1 that is punishable for its violation as a misdemeanor. Such jurisdiction shall be concurrent with other courts having jurisdiction over such violations.

(b) A municipal court shall not have the power to dispose of misdemeanor cases as provided in subsection (a) of this Code section unless the defendant shall first waive in writing a trial by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court and, if reasonable cause exists, the defendant shall be immediately bound over to a court in the county having jurisdiction to try the offense wherein a jury may be impaneled."

SECTION 3-12.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-57, relating to suspension or revocation of drivers' licenses of habitually negligent or dangerous drivers and the points system, by striking subparagraph (c)(1)(A) and inserting in lieu thereof the following:

"(c)(1)(A) Except as provided in subparagraph (C) of this paragraph, the points to be assessed for each offense shall be as provided in the following schedule:

Aggressive driving 6 points

Reckless driving	4 points
Unlawful passing of a school bus	6 points
Improper passing on a hill or a curve	4 points
Exceeding the speed limit by more than 14 miles per hour but less than 19 miles per hour	2 points
Exceeding the speed limit by 19 miles per hour or more but less than 24 miles per hour	3 points
Exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour	4 points
Exceeding the speed limit by 34 miles per hour or more	6 points
Disobedience of any traffic-control device or traffic officer.....	3 points
Too fast for conditions	0 points
Possessing an open container of an alcoholic beverage while driving.....	2 points
Failure to adequately secure a load, except fresh farm produce, resulting in loss of such load onto the roadway which results in an accident	2 points
Violation of child safety restraint requirements, first offense	1 point
Violation of child safety restraint requirements, second or subsequent offense	2 points
All other moving traffic violations which are not speed limit Violations.....	3 points"

SECTION 3-13.

Said title is further amended by striking Code Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following:

"40-6-249.

~~A person~~ Any person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, ~~the 'Litter Control Law,'~~ or driving, moving, or loading for operation a vehicle in violation of Code Section 40-6-248.1 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Code Section 16-7-43."

PART IV
SECTION 4-1.

The Official Code of Georgia Annotated is amended by reserving the following former designations:

- (1) Code Section 32-6-21; and
- (2) Code Section 21-2-3.

PART V
SECTION 5-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of adopting local ordinances to become effective on or after July 1, 2006; and for all other purposes, this Act shall become effective on July 1, 2006.

SECTION 5-2.

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