

ORDINANCE NO. 53

AN ORDINANCE PROHIBITING LITTERING INSIDE THE CITY LIMITS OF MOUNT CARMEL, TENNESSEE, AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the City of Mount Carmel, County of Hawkins, State of Tennessee.

SECTION 1: Definition as used in this Ordinance, unless the context requires otherwise: (a) "garbage" includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. (b) "refuse" includes all putrescible and nonputrescible solid waste. (c) "rubbish" includes nonputrescible solid waste consisting of both combustible and noncombustible waste. (d) "litter" includes garbage, refuse, rubbish and all other waste materials.

SECTION 2: A person shall not throw, dump, deposit or cause to be thrown, dumped, or deposited litter on property owned by another person without the permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use.

SECTION 3: If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.

SECTION 4: If an object of litter is discovered on another's property without his permission, on any public highway, street, or road, upon public parks or recreation areas, or upon any other public property except that property designated for that use, bearing a person's name, it shall be prima facie evidence that the person whose name appeared on the object threw, dumped, deposited or caused to be thrown, dumped or deposited there.

SECTION 5: A person who violates a provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 and not more than \$50.00 or imprisonment in the county jail or workhouse for a period of not less than one day nor more than thirty days, or by both fine and imprisonment. However, the judge in his discretion may allow an individual, convicted of a violation of this Ordinance, to remove the litter from a section of the city highway system in lieu of the fine or imprisonment provided for by this Ordinance.

SECTION 6: Prosecution for a violation of this Ordinance may be initiated by a peace officer who witnessed an offense in violation of this Ordinance or discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the city.

SECTION 7: Any person whether or not such person is a citizen of the State of Tennessee, who shall witness the throwing, dumping or depositing of litter from a motor vehicle onto any public highway, street or road, onto another's property without the owner's permission, onto public park or public recreation lands or onto any other public property except just as is designated for the throwing, dumping, or depositing of litter, may report the date and time of date of the littering and the license plate, registration number and the state of registration to any state or local law enforcement authority. The license plate registration number as recorded shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered. Nothing in this Section shall be construed to modify or change the burden of the city to prove the defendant guilty beyond a reasonable doubt. Any person so reporting a violation shall

be required to appear as a witness in any prosecution result therefrom.

SECTION 8: All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 9: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 10: This Ordinance shall take effect and be in full force from and after its final passage and publication, the public welfare requiring it.

PASSED FIRST READING 3-13-75

PASSED SECOND READING 4-10-75

PASSED THIRD READING 5-8-75

Sidney Snodgrass
MAYOR

ATTEST:

G. J. Seal
CITY RECORDER

APPROVED AS TO CORRECTNESS AND FORM

H. Ross Gibson
CITY ATTORNEY