

MARSHALL COUNTY FISCAL COURT
ORDINANE NO. 2023-17

AN ORDINANCE PROHIBITING THE DISPOSAL OF HOUSEHOLD GARBAGE AND
COMMERCIAL GARBAGE AT CLEARLY-MARKED LOCATIONS AND IMPOSING
PENALTIES FOR VIOLATORS

WHEREAS, the Marshall County Fiscal Court is aware of problems caused by persons disposing of household garbage and commercial garbage at trash receptacles at one or more day-use parks;

WHEREAS, such problems include, but are not limited to, trash bins overflowing, workers having to empty trash receptacles more than would otherwise be necessary, etc.

WHEREAS, the Marshall County Fiscal Court deems it necessary to take action to address this issue;

NOW THEREFORE, Be it Ordained by the Fiscal Court of Marshall County as follows:

SECTION I – DEFINITIONS

- A. “Litter” means rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value.
- B. “Household garbage” means any and all litter generated by persons from their residences, including any and all litter related to vehicle maintenance or repair.
- C. “Commercial garbage” means and all litter generated by persons from a commercial, business, or farm operation or venture.

SECTION II – PROHIBITED ACTIVITIES

- A. It shall be unlawful for any person to dump or dispose of household garbage or commercial garbage in or about any public trash receptacle that is clearly marked with signage as prohibiting such dumping or disposal. The signage shall state in substantially similar terms “NO DUMPING OR DISPOSAL OF HOUSEHOLD OR COMMERCIAL GARBAGE. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION.”
- B. All relevant evidence may be considered in prosecuting a violation of this Ordinance including, but not limited to, whether or not the litter being dumped or disposed of was or had been placed in garbage bags prior to its dumping or disposal at the location in question, the type or kind of litter in question, the size of the litter in question, the quantity of the litter in question, and whether or not it appears that the litter in question was generated at or near the location in question or some other area.

SECTION III – PENALTIES

Any person who violates any of the provisions of this Ordinance shall be guilty of a violation, and shall be fined not less than \$50.00 nor more than \$500.00 for a first offense and not less than \$100.00 nor more than \$500.00 for each second or subsequent offense. Any person convicted of violating this Ordinance may, at the discretion of the Marshall County Fiscal Court, be criminally trespassed and prohibited from entering or being upon certain county properties as determined by the Marshall County Fiscal Court.

First Reading: _____

Second Reading: _____

Publication: _____

Adopted and Effective this the _____ day of _____, 2023.

KEVIN SPRAGGS, JUDGE
Marshall County Fiscal Court

ATTEST: _____
Clerk, Marshall Fiscal Court