

Senate Bill 414

By: Senators Tippins of the 37th, Miller of the 49th, Kirk of the 13th, Shafer of the 48th,
Black of the 8th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 17 of Title 43 of the Official Code of Georgia Annotated, relating to
2 charitable solicitations, so as to allow local governing authorities to issue written notices for
3 the failure to clean and maintain collection receptacles; to allow petition to superior court for
4 an order for the removal of collection receptacles if the property owner or paid solicitor does
5 not comply with violation notices for at least three occasions in one calendar year; to provide
6 for a superior court to order collection receptacles to be removed at the cost of the paid
7 solicitor or charitable organization; to provide for local governing authorities to remove any
8 collection receptacle subject to the court's order at the cost of the property owner, paid
9 solicitor, or charitable organization for noncompliance with court order; to repeal conflicting
10 laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 17 of Title 43 of the Official Code of Georgia Annotated, relating to charitable
14 solicitations, is amended by adding a new Code section to read as follows:

15 "43-17-8.2.

16 (a) Notwithstanding any other provision of law to the contrary, any local governing
17 authority which has collection receptacles located within its geographical boundaries shall
18 be authorized to issue written notices of violations to both the property owner and the paid
19 solicitor responsible for each collection receptacle at any time the immediate area
20 surrounding such collection receptacle is not maintained in an orderly, clean, and sanitary
21 manner. Notice shall be promptly sent to the property owner and the paid solicitor, with
22 a copy to the charitable organization. The notice shall provide for a ten-day period from
23 the date of the notice to remediate the violation and clean and maintain the area around
24 such collection receptacle.

25 (b)(1) If the property owner, paid solicitor, or charitable organization responsible for the
26 operation of a collection receptacle fails to comply with the notice in accordance with

27 subsection (a) of this Code section three times in any calendar year, or, if the governing
28 authority finds that the area surrounding such collection receptacle is a nuisance, the local
29 governing authority shall be authorized to petition the superior court to issue an order
30 requiring the removal of such collection receptacle from the geographical boundaries of
31 the jurisdiction for a period of not less than three years.

32 (2) The relief imposed by the superior court shall require the immediate removal of such
33 collection receptacle at the cost of the property owner or paid solicitor responsible for it,
34 or, alternatively, the charitable organization for which such collection receptacle was
35 placed and the imposition of court costs.

36 (3) If a collection receptacle is not removed within 30 days of the superior court's order,
37 the local governing authority shall be authorized to remove such collection receptacle and
38 seek reimbursement from the property owner, paid solicitor, or charitable organization
39 for court costs and fees related to the removal of such collection receptacle."

40

SECTION 2.

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