

STATE OF GEORGIA  
COUNTY OF NEWTON

ORDINANCE OF THE BOARD OF COMMISSIONERS  
OF  
NEWTON COUNTY, GEORGIA

**WHEREAS**, Newton County, Georgia enacted its Litter and Solid Waste Management Ordinance on March 17, 1998 (the “Ordinance”);

**WHEREAS**, the Ordinance was readopted as Chapter 12 of the Code of Ordinances, Newton County, Georgia, on January 2, 2002;

**WHEREAS**, Newton County, Georgia wishes to revise the Ordinance so that it complies with court decisions governing such ordinances, in particular, court decisions only allowing regulations of litter that are narrowly tailored not to interfere with the constitutionally-protected exercise of free speech.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Newton County, Georgia, under authority of Article IX, Section II, Paragraph 1 of the Constitution of Georgia (1983), that Section 14 of the Ordinance is deleted in its entirety and replaced by a new Section 14 as follows:

- 14. Handbills and Advertising Matter.** The distribution of information such as public announcements, political endorsements, opinions, invitations, solicitations, and commercial advertisements is an activity protected by both the U.S. Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.
  - A. Unless otherwise prohibited by state or federal law, it shall be lawful to place on any automobile in the county any handbill, circular, pamphlet, poster, or other literature so long as the same is secured so as to prevent wind-driven debris and unsightly litter.

- B. Unless otherwise prohibited by state or federal law, it shall be lawful for any person to place on private property any handbill, circular, pamphlet, poster, postcard, newspaper, or other literature or advertising device, so long as the following conditions are met:
- (1) Such publications and materials may be placed in a box provided for that purpose, secured to a door knob, or placed in a secure area of a building such as a door jamb or screen door; or
  - (2) Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials "sweeps" the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as "sweeping." Any papers distributed and not "swept" from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
- C. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he does not wish to receive such publications at a particular street address, continued delivery of publications directly to said property by the publisher or his agents shall constitute a violation of this ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.
- D. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way.

This new Section 14 for the Ordinance shall become effective immediately upon its enactment.

**SO RESOLVED**, this 6<sup>th</sup> day of April, 2010.

**BOARD OF COMMISSIONERS  
OF NEWTON COUNTY, GEORGIA**

By: *Kathryn G. Morgan*  
**Kathryn G. Morgan, Chairman**

Attest: *Jackie Smith*  
**Jackie Smith, Clerk**

**(COUNTY SEAL)**

