

TN CRIMINAL LITTERING LAW TCA 39-14-5



Tennessee has an average of 5,100 pieces of litter per mile on urban freeways. Thirty percent is deliberate litter from people in vehicles and 70% is negligent litter from unsecured loads.

Littering Must Stop!

Section 39-14-501: Definitions

Litter is punishable under this law using the following definitions:

1. Commercial Purpose: litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.
2. Garbage: perishable animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
3. Litter: garbage, refuse, rubbish and all other waste materials, including tobacco products and any other items primarily designed to hold or filter a tobacco product while it is being smoked.
4. Refuse: all perishable and nonperishable solid waste
5. Rubbish: perishable solid waste consisting of both combustible and non-combustible waste.

Section 39-14-502: Act of Littering

Littering, whether knowingly or negligently, is punishable under this law. Judge may infer that vehicle operator committed littering. Judge may infer item displaying name of person shows that person committed littering.

Section 39-14-503: Mitigated Criminal Littering

-Five pounds or less; 7.5 cubic feet or less is Class C Misdemeanor
-\$50 TICKET - Mail in to county court clerk. No court appearance or cost at discretion of judge.

- or -

Contest ticket and go to court. If convicted, pay \$50 fine, court cost and shall do public service pickup for up to 40 hours and may do work in recycling center up to eight hours.



Section 39-14-504: Criminal Littering

All littering between five and 10 pounds is criminal littering, a Class B misdemeanor. If convicted, pay \$500 fine, court cost and shall do public service pickup for up to 80 hours; may do work in recycling center up to eight hours; and may do up to six months jail time

Section 39-14-505/6: Aggravated Criminal Littering

-10 pounds or more; 15 cubic feet or more; is Class A Misdemeanor
If convicted, pay up to \$2,500 fine, court cost and shall do public service pickup for up to 160 hours; may do work in recycling center up to eight hours; may be required to clean/restore damaged property; and may be required to do up to 11 months 29 days in jail.

- Class E Felony

3rd offense of over 10 pounds

2nd offense of over 1,000 pounds

2nd offense of Commercially Dumped

If convicted, not less than 1 year nor more than six years in jail; the

jury may assess a fine not to exceed \$3,000, unless otherwise provided by statute.

Commercially Dumped

- 1st Offense - any amount/volume Class A Misdemeanor
If convicted, pay up to \$2,500 fine, court cost and shall do public service pickup for up to 160 hours; may do work in recycling center up to eight hours; may be required to clean/restore damaged property; and may be required to do up to 11 months 29 days in jail.

- 2nd Offense - any amount/volume Class E Felony
If convicted, not less than one year nor more than 6 years in jail; the jury may assess a fine not to exceed \$3,000, unless otherwise provided by statute.



Section 39-14-506: Restore the Property

The court may choose to require a person convicted under this law to remove any substance listed under Section 39-14-501 that was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense.

Section 39-14-507: Secured Load Law

Class B Misdemeanor

"Motor vehicle . . . shall be required to have such materials in an enclosed space or fully covered by a tarpaulin."

Private pickup truck load must be secured to reasonably ensure not to fall or blow off.

If convicted, pay \$500 fine, court cost and shall do public service pickup for up to 40 hours and may do work in recycling center up to eight hours. Truck exceptions are:

- Trucks to energy Recovery Facility must be enclosed
- Recovered materials to convenience center or dealer
- Sand/stone/lime/ SS-7-109 have 4" load line.
- Produce transport to market, fields or storage



Section 39-14-508: Special Provisions

County legislative bodies may promulgate laws based on 39-14-501 to require private property cleanup. County shall send statement to owner itemizing cost of cleanup. If owner fails to reimburse county within 60 days, the statement shall constitute a lien on the property. Process for lien . . . resolution . . . stated.

Section 39-14-509: Special Provisions

"All law enforcement agencies, officers, and officials of the state or any political subdivision . . . is authorized, empowered, and directed to enforce compliance with this . . ."

Section 39-14-510: Use of Fine Proceeds

-Fines collected shall go to general fund of county where offense occurred and designated for county operating funds with preference to litter prevention programs and education such as those conducted by Keep America Beautiful

-Person reporting information to law officer that leads to conviction of Mitigated Criminal Littering shall receive a \$50 reward

-Person reporting information to law officer that leads to conviction of Criminal Littering or Aggravated Criminal Littering shall receive a \$250 reward

-Reward money comes from the fines collected

Section 39-14-511: Special Provisions

Environmental Courts have exclusive general sessions jurisdiction over these laws. Environmental Courts are located in Memphis/ Shelby County, Jackson, Metro Davidson, Knoxville/Knox County/ Chattanooga/Hamilton County, and Cleveland/Bradley County.