

CHAPTER 23

LITTER

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Section 23.1 Definitions

For the purpose of this Chapter, the respective following terms and their derivations shall have the meanings ascribed to them:

(1) "Authorized private receptacle" means litter storage and collection container constructed so to reasonably confine and retain litter and trash.

(2) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(3) "Litter" means garbage, refuse, and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(4) "Part" means a part, reservation, playground, beach, recreation center, or any other public area owned or used by the town and its inhabitants and devoted to active or passive recreation.

(5) "Private premises" means any dwelling, house, building, or other structure designed or used wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to the dwelling, house, building, or other structure.

(6) "Public place" means any street, sidewalk, boulevard, alley, or other public way and any public park, square, space, grounds, or building.

(7) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, and solid market and industrial waste.

(8) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic, and similar materials.

(9) "Vehicles" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Ordinance 124 adopted 3/12/01)

Section 23.2 Placing in receptacles; to prevent scattering

A. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place except in public receptacles or in authorized receptacles for collection.

B. Persons placing litter in public receptacles or in authorized private receptacles shall do so in a matter as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(Ordinance 124 adopted 3/12/01)

Section 23.3 Sweeping litter into gutters; cleanliness of sidewalk

No person shall sweep into or deposit in any gutter, street, or other public place the accumulation of litter from any building or lot or from any private or public sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Ordinance 124 adopted 3/12/01)

Section 23.4 Merchants' duty to keep sidewalks free of litter

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep all premises, including sidewalks, service alleys, and parking area of their business, free of litter.

(Ordinance 124 adopted 3/12/01)

Section 23.5 Litter thrown from vehicles

No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property.

(Ordinance 124 adopted 3/12/01)

Section 23.6 Truckloads causing litter

No person shall drive or move any truck or other vehicle unless the vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place; nor shall any person drive or move any vehicle or truck with wheels or tires of which carry onto or deposit on any street, alley, or other public place mud, dirt, stick substances, litter, or foreign matter of any kind.
(Ordinance 124 adopted 3/12/01)

Section 23.7 Litter in parks

No person shall throw or deposit litter in any park except in public receptacles and in a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
(Ordinance 124 adopted 3/12/01)

Section 23.8 Litter in ditches and canals

No person shall throw or deposit litter in any fountain, pond, stream, ditch, canal, or any other body of water.
(Ordinance 124 adopted 3/12/01)

Section 23.9 Litter on occupied private property

No person shall throw or deposit litter on any occupied or unoccupied private property whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
(Ordinance 124 adopted 3/12/01)

Section 23.10 Owner to maintain premises free of litter

The owner or person in control of any private property shall at all times maintain the premises free of litter on any open or vacant private property whether owned by that person or not.
(Ordinance 124 adopted 3/12/01)

Section 23.11 Litter on vacant lots

No person shall throw or deposit litter on any open or vacant private property whether owned by that person or not.
(Ordinance 124 adopted 3/12/01)

Section 23.12 Violations, fines, penalties, etc.

A. (1) Whoever violates this Chapter shall, upon first conviction, be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars and sentenced to serve four (4) hours of community service in the town's litter abatement work program.

(2) Upon second conviction, an offender shall be fined no less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars and sentenced to serve eight (8) hours of community service in the town's litter abatement work program.

(3) Upon third conviction or subsequent conviction, an offender shall be fined five hundred (\$500) dollars, be imprisoned for not more than thirty (30) days, or sentenced to serve not less than twenty-four (24) and not more than seventy-five (75) hours of community service in the town's litter abatement work program, or all or any combination of the aforementioned penalties.

B. A person may be found guilty and fined under this Chapter although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

C. In addition to penalties otherwise provided, a person convicted under this Chapter shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Chapter.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

(Ordinance 124 adopted 3/12/01)