

CITY LITTER LAWS

What is Litter?

Sec. 13-191 *Litter* means all garbage, refuse, trash and all other waste materials.

Sources of litter include:

Cigarette butts, food waste, bottles, waste paper, cans, clothing, ashes, street refuse, rubbish, dead animals, furniture, bedding, appliances, building scrap materials, chemicals, solid waste, and illegal signs.

What Acts Constitute Littering?

Sec. 13-193. Prohibited acts.

No person shall throw, dump, deposit or cause to be thrown, dumped or deposited litter on property owned by another person without the permission of the owner or occupant of such property, or upon any public highway, street or road, upon public parks or recreation areas or upon any other public property, except that property designated for that use.

Sec. 13-12. Escape of contents from loaded vehicle.

The owner, lessee or operator of every vehicle engaged in hauling any sand, gravel, dirt, stone, rock, brick, coal, limestone, limestone dust, asphalt, garbage, paper, trash, or any material which may, as a result of the vehicle's movement, be likely to blow, fall or be scattered onto the public thoroughfares of the city shall maintain such load in such secure condition, and shall direct and supervise the loading of the vehicle, in a manner so as to prevent any portion of such materials, products or substances from falling, blowing or be scattered upon the thoroughfares of the city.

Sec. 13-13. Scattering litter on public or private property.

(a) It shall be unlawful for any person to scatter or cause to be scattered in or upon the streets or public places of the city, or in any office, store or other place of business, or in upon any yard or porch of any residence within the corporate limits, any paper or litter of character, and every person violating the provisions of this section shall be guilty of a misdemeanor.

(b) No person owning or occupying a place of business or private property shall sweep or deposit in any gutter, street, or other public place within the city 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 or private property within the city shall keep the sidewalk front of their premises free of litter.

Article V. Sec. 10. Posting signs.

Sec. 10. A. 12. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. No

temporary sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or be confused with any authorized traffic sign, signal or device, or located in any required parking space.

Sec. 10. A. 13. A temporary sign shall not be suspended across public streets or other public places.

Sec. 10. A. 14. No sign shall be placed in any public right-of-way except publicly owned signs, directional signs, and those signs approved by the city engineer.

Sec. 13-194. Presumption of guilt when litter thrown or dumped from motor vehicle.

If the throwing, dumping or depositing of litter is done from a motor vehicle, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle, or if the license plate registration number is known, the registered owner thereof.

Sec. 13-195. Presumption of guilt when litter found bearing person's name.

If an object of litter is discovered:

- (1) On another's property without his permission;
 - (2) On any public highway, street, alley, road or right-of-way;
 - (3) Upon public parks or recreation areas; or
 - (4) Upon any other public property, except that property designated for that use;
- bearing a person's name, it shall be prima facie evidence that the person whose name appears on the object threw, dumped, deposited or caused it to be thrown, dumped or deposited there.

What are the Consequences of Littering?

Sec. 13-3. Penalty.

- (a) Any person violating the [litter laws] shall be guilty of a **misdemeanor**. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.
- (b) Any person violating the [litter laws] may be assessed a civil penalty by the city of not less than fifty dollars **(\$50.00) per day** for each day of violation. Each day of violation shall constitute a separate violation.
- (c) The second and subsequent offenses by an owner, operator or lessee engaged in hauling, shall be punishable by a fine of not less than fifty dollars **(\$50.00)** or by **imprisonment** not to exceed thirty **(30) days**, or both, for each separate violation.