

## CHAPTER 94: LITTER, UNLAWFUL ACCUMULATIONS, AND WEEDS

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### § 94.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates otherwise, the following terms have the respective meanings ascribed to them:

**DUMP OUT.** Any material emptied from a vehicle or building upon streets, roadsides, or public places other than that emptied in appropriate litter receptacles.

**EXCESS GRASS/YARD CLIPPINGS.** The cuttings and/or clippings of grass, shrubbery, vines, leaves or other natural materials that result from the care and/or maintenance of the real estate within the city, the accumulation of which is in excess of one gallon of volume.

**HANDBILL.** Any printed or written material excluding newspapers, which advertises for sale any commodity, or thing, or which directs attention to any business or other activity, or event of any kind.

**LITTER.** Any solid waste, including but not limited to, containers, packages, wrappings, printed matter or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

**LITTER BAG.** A bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person.

**LITTER RECEPTACLE.** A container meeting the requirements of the Department for Natural Resources and Environmental Protection.

**NEWSPAPER.** Any newspaper of general circulation as defined by general law.

**PARK.** A reservation, playground, beach, recreation center, or any other areas in the city devoted to active or passive outdoor recreation.

**PRIVATE PROPERTY.** Any property not publicly owned or held for use by the public.

**PUBLIC PLACE.** Any area that is used or held for use by the public, whether owned or operated by the public or private interests.

**SOLID WASTE.** Any putrescible and nonputrescible solid and semi-solid waste, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

**STREET.** Synonymous with and includes any highway, road, alley, collector, local, arterial, or freeway within the political subdivision.

**SWEEP OUTS.** Any collection of debris, resulting from clean-up operations, that is deposited in or around a public place.

**VEHICLE.** Includes every device capable of being moved upon a public street and in, upon, or by which any person or property is or may be transported or drawn upon a public street. (Ord. 00-10-01, passed 10-16-00; Am. Ord. 19-05-02, passed 5-20-19)

#### § 94.02 PURPOSE.

The purpose of this chapter is to accomplish litter control in the city. This chapter is intended to place upon all persons within the city the duty of contributing to the public cleanliness and appearance in the city in order to promote the public health, safety and welfare, and to protect the economic interests of the people of the city against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incident to littering. (Ord. 00-10-01, passed 10-16-00)

#### § 94.03 ENFORCEMENT OFFICERS AND PROCEDURES.

Enforcement of this chapter may be by any police officer, or pursuant to the city code enforcement provisions set forth in Chapter 41. All such enforcement officers are empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this chapter. Said enforcement officers may serve and execute all warrants, citations, and other processes issued by the courts. In addition, mailing by registered or certified mail of such warrant, citation, or other process to the last known place of residence of the offender shall be deemed personal service upon the person charged. (Ord. 00-10-01, passed 10-16-00; Am. Ord. 19-05-02, passed 5-20-19)

**§ 94.04 ENFORCEMENT.**

In arriving at realistic penalties for violations of provisions contained in this chapter, the primary objection has been to establish them as part of the simplest possible enforcement system. The system has these features:

(A) A mail-in ticket which:

- (1) Identifies the violator;
- (2) Lists and identifies violations of the provisions by subsection numbers;
- (3) States the prescribed fine beside each violation listed;
- (4) Provides simple instructions on where the ticket is to be mailed with a check or money order in the amount of the stipulated fine; and
- (5) States a simple procedure to follow if the violator elects to appear in court to plead the case rather than mail in the fine.

(B) Use of the above ticket by all department and agency personnel authorized to enforce sections of this chapter.

(C) Use for particularly flagrant violations (dump outs, garbage spreading from badly overloaded solid waste containers, debris strewn property, etc.). This would be in the form of a direct summons to court, with penalty range substantially above those on the mail-in ticket.  
(Ord. 00-10-01, passed 10-16-00)

**§ 94.05 LITTERING - GENERALLY.**

(A) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public place, or upon any private property not owned by such person or in any waters within the jurisdiction of the city, whether from a vehicle or otherwise, except:

- (1) When such property is designated by the state or by any of its agencies or the city for disposal of garbage and refuse, and such person is authorized by the proper public authority to so use such property; or
- (2) Into a litter receptacle or other container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said public places or any private property; or

(3) When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance or be in violation of any other state or local law, rule or regulation.

(B) Any person violating the provisions of this section shall be guilty of a misdemeanor and in addition to or in lieu of any other penalty, such person may, in the sound discretion of the court, be directed by the court to pick up and remove from any public place or any private property, which is established that such person had deposited litter, all litter deposited thereon by anyone prior to the date of the execution of sentence.

(Ord. 00-10-01, passed 10-16-00) Penalty, see § 94.99

#### **§ 94.06 LITTERING FROM VEHICLE.**

(A) No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand or gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

(B) Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or damage a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefore.

(C) When any garbage, rubbish, or other materials are removed from private property, the person so removing same shall not leave any of said garbage, rubbish or other materials at or near the cans where said garbage or rubbish has been deposited or any other place on private property.

(Ord. 00-10-01, passed 10-16-00) Penalty, see § 94.99

#### **§ 94.07 HOURS OF TRANSPORTATION OF GARBAGE AND RUBBISH.**

All transportation of garbage and rubbish, including limbs, leaves, paper cartons, bricks, and other trash by vehicles in the city shall be limited to the hours of 6:00 a.m. through 8:00 p.m. of each day.

(Ord. 00-10-01, passed 10-16-00) Penalty, see § 94.99

**§ 94.08 UNLAWFUL ACCUMULATIONS AND GROWTHS.**

(A) It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee, or occupant having control of any lot or land or any part thereof in the city to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or the middle of the alley or for ten feet outside the property line if there be no curb, the collection of rubbish, trash, stagnate water, or any other growth of weeds, grass or other rank vegetation to a greater height than ten inches, on the average, or any accumulation of dead weeds, grass, or brush. It shall also be unlawful for any such person to cause, suffer, or allow poison ivy, rag weed, or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, rag weed, or other poisonous or harmful weed shall extend upon, or overhang or order any public place, or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into or onto any public place.

(B) It shall be the duty of the owner, lessee, or occupant of any lot or land in the city to remove rubbish, trash, and stagnate water, and to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as be necessary to comply with the provisions of this section.

(C) The owners, lessee or occupant or any agent, representative or employee of any such owner of every parcel of real estate or related premises located within the city shall keep same free of all weeds, trash or debris that might be favorable to the harboring of vermin, snakes and mosquitoes or any animals, reptiles, or insects of every kind. All such growth of weeds, grass or accumulation of trash or debris shall be a nuisance. Those persons in charge of any property upon which weeds and grass are allowed to grow or upon which trash or debris has accumulated shall be punished for a violation of this section.

(D) *Prohibited growth.* The growth of weeds or grass to a height greater than ten inches on the average or the accumulation of trash or debris shall be deemed a condition favorable to the harboring of mosquitoes or insects of like kind and rates mice, snakes or animal and reptiles of like kind.

(E) *Provisions of section applicable to persons in charge of property.*

(1) Upon observing any property within the corporate limits of the city upon which there is a growth or weed and grass in excess of ten inches or an accumulation of debris in violation of division (D), the city shall post a notice of violation on the premises and mail a written notice to the person in charge of those premises that if said growth and accumulation is not removed within ten days after receipt of a notice of violation, the city acting through its agents or employees will enter upon said premises and will have same cut and removed at the owner's cost and expense and it will certify the cost and expense of the mowing and/or removal of the trash and debris from the property and convert the cost and expense of such mowing and removal into a lien upon the property.

(2) The City Clerk shall submit a statement showing the cost and expense of mowing and removal to the owner of the property and if those charges for cutting and removal of weeds and debris are not paid within 30 days from the date of the assessment of those charges by the City Clerk, the City Clerk shall file a statement of lien against the owner of the property which shall constitute a lien upon the property that may be enforced or collected as any other debt or lien.

(3) Owners of property or persons in charge of any property that cause or allow a violation of this section to occur only once in a calendar year will not be prosecuted for creating a public nuisance under § 92.99 or § 94.99. However, each subsequent violation in a calendar year by such persons may also be prosecuted under § 92.99 or § 94.99.

(F) *Court action permitted.* In addition to all other remedies and penalties provided for under this section the City Attorney may bring suit in circuit court to seek an injunction or other appropriate relief or, to abate any violation of this section. Such action may include seeking a temporary restraining order or temporary injunction or any other appropriate relief. Nothing in this section shall be deemed to restrict any action for damages on behalf of the city or any property owners in the city for special damages sustained by them as a result of any violation of this section.

(Ord. 00-10-01, passed 10-16-00; Am. Ord. 03-10-02, passed 10-20-03; Am. Ord. 15-06-05, passed 6-30-15) Penalty, see § 94.99

#### § 94.09 DISPOSAL OF EXCESS GRASS/YARD CLIPPINGS.

(A) No person shall deposit or discard an excessive amount of grass, shrubbery, vines, branches, limbs, leaves, cuttings and other excess grass/yard clippings or naturally created materials, resulting from the care or maintenance of real property, onto the street, sidewalk or other public right-of-way.

(B) Leaves and grass shall be placed in substantial containers, or otherwise contained on the property from whence they came, on which they are, or to which they are closest.

(C) The owner and/or occupant of the property closest to the sidewalk and/or street where any grass, shrubbery, vines, branches, limbs, leaves, cuttings and other excess grass/yard clippings or naturally created materials may be is responsible for their cleanup and removal.

(Ord. 19-05-02, passed 5-20-19) Penalty, see § 94.99

#### § 94.99 PENALTY.

(A) The schedule of penalties for violations of this chapter is as follows:

Litter, Unlawful Accumulations, and Weeds

30E

VIOLATION	AMOUNT
Litter by pedestrians and motorists . . . . .	\$20.00
Dump outs . . . . .	\$300.00
Littering with handbills, leaflets, etc. . . . .	\$35.00
Failure to provide litter receptacles . . . . .	\$50.00
Transporting loose materials without adequate covering . . . . .	\$100.00
Lack of containers at loading / unloading operations . . . . .	\$25.00
Failure to clean loading / unloading areas . . . . .	\$50.00
Accumulations of litter at construction / demolition sites . . . . .	\$100.00
Lack of containers at construction / demolition sites . . . . .	\$100.00
Inability to show proof of proper end disposition of construction / demolition . . . . .	\$100.00
Improper household solid waste containerization . . . . .	\$20.00
Improper disposal of household bulk . . . . .	\$50.00
Failure to bundle and tie loose excess household solid waste . . . . .	\$20.00
Uncovered household containers . . . . .	\$10.00
Failure to replace defective household containers . . . . .	\$25.00
Failure to follow prescribed put out practices . . . . .	\$25.00
Depositing household solid waste in sidewalk or other pedestrian litter receptacles . . . . .	\$25.00
Disposal of excess grass/yard clippings . . . . .	\$25.00
Improper commercial solid waste containerization . . . . .	\$50.00
Uncovered commercial containers . . . . .	\$25.00
Failure to replace defective commercial containers . . . . .	\$50.00
Depositing commercial solid waste in sidewalk or other pedestrian receptacles . . . . .	\$50.00
Litter on private premises . . . . .	\$50.00
Litter on sidewalks and strips . . . . .	\$25.00
Sweep outs . . . . .	\$35.00

(B) Each day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

(Ord. 00-10-01, passed 10-16-00; Am. Ord. 19-05-02, passed 5-20-19)

