

TITLE 20**MISCELLANEOUS****CHAPTER****1. LITTER CONTROL.****CHAPTER 1****LITTER CONTROL****SECTION**

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20-101. Accumulation of leaves on sidewalks, etc. unlawful. It shall be unlawful for any person to place or allow to be placed or permit to continue the accumulation of leaves from their premises to be on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. (Ord. #85-4, Sept. 1985)

20-102. Littering prohibited. It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the city any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove or correct any such accumulation of litter within seven (7) days after appropriate notice from the board of commissioners shall be in violation of this chapter. (Ord. #85-4, Sept. 1985)

20-103. Inoperable vehicles, equipment, etc. prohibited. It shall be unlawful for any person to have on their residential or business premises materials that would create a littered condition such as dilapidated furniture, appliances, machinery, equipment, building material, automobile parts, tires,

or any other items which are wholly or partially rusted, wrecked, junked, dismantled, or in inoperable condition which are not completely enclosed within a building or dwelling. After such notice of violation of this section, it shall be unlawful to allow any such item(s) to remain on the property of the occupant or owner for any period longer than seven (7) days. (Ord. #85-4, Sept. 1985)

20-104. Overgrown and dirty lots. It shall be unlawful for the owners and occupants of property to fail to cut grass, weeds and other overgrown vegetation on property when the grass, weeds and other overgrown vegetation is of a greater height than one foot on the average, or to permit the said property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situation is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds and overgrown vegetation as often as necessary as to comply with this provision of the city code. Vacant lots adjacent to improved property shall be kept cut and shall be cut at least three (3) times per year, as required during the growing season (April through September). (Ord. #85-4, Sept. 1985)

20-105. Containers for litter required. It shall be unlawful for any person or business establishment to fail to store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their premises or establishments in order to have a clean, neat and sanitary premises or fail to immediately clean up any spillage and overflow as it occurs. Approved methods of containerization include refuse receptacles, bulk containers and detachable containers. (Ord. #85-4, Sept. 1985)

20-106. Construction litter; receptacle required. It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris paper, building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter-free condition. The number of refuse receptacles, bulk containers or detachable containers shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times. (Ord. #85-4, Sept. 1985)

20-107. Definitions. (1) "Declared nuisances" means anything that causes injury or damage to the health or life of any other person or causes an offensive odor are declared nuisances and it shall be unlawful for any person to

create such a declared nuisance on his lot or a lot occupied by him, or to allow such a declared nuisance to remain on his lot or a lot occupied by him.

(2) "Junk" means any item, including but not limited to dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

(3) "Litter" means all discarded man-made materials, including but not limited to waste materials, building materials, business trash, garbage, household trash, industrial waste, refuse and yard trash as specified herein:

(a) "Building material" means any materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

(b) "Business trash" means any accumulation of dust, paper and cardboard, excelsior, rags, or accumulations other than garbage or household trash, which are usually attendant to the operation of store, offices and similar businesses.

(c) "Foul odors" means odors emanating from garbage.

(d) "Garbage" means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

(e) "Hazardous refuse" means materials such as paint, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

(f) "Household trash" means any waste accumulation of paper sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(g) "Industrial waste" means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

(h) "Weeds and grass" means weeds and grass in excess of twelve (12) inches in height. Heavily wooded lots where equipment cannot maneuver on the lot because of the density are exempt from this section. Agricultural and undeveloped lots are also exempt.

(j) "Yard trash" means waste accumulation of lawn, grass or shrubbery cuttings or clippings, bushes and dry leaf rakings free of dirt, rocks, large branches, and bulky or noncombustible material.

(4) "Person" means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of

individuals or entities of any kind and who occupies a dwelling, building or premise for seven (7) or more consecutive days.

(5) "Premises" means lots, sidewalks, alleys, rights-of-way, grass strips and curbs up to the edge of the pavement of any public street. (Ord. #85-4, Sept. 1985)

20-108. Compliance. The owner, agent, person as herein defined, tenant, occupant, or lessee of all residential, commercial, industrial, institutional or governmental establishments shall be responsible for compliance with this chapter. Owner, agent, person, occupant, tenant, or lessee as herein stated shall mean anyone occupying a dwelling, building or premise for seven (7) or more consecutive days and thus also shall be responsible for correcting the violation. (Ord. #85-4, Sept. 1985)

20-109. Enforcement. A city commissioner or any of his representatives shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the notice of violation, and to file a notice of lien against the property in the event that the city seeks to secure the cost of bringing the property into compliance with the chapter.

(1) Notice of violation. A written notice will be delivered or sent by certified mail in the event that the person (as herein defined in this chapter) that has allowed to accumulate the trash, garbage, refuse, leaves, weeds, grass or overgrowth on said property shall upon receipt of the notice fail to comply within seven (7) days. Such failure will be deemed to be in violation of this chapter.

(2) Violations and enforcement. It shall be unlawful to violate any provision of this chapter. The city may take one or more of the following courses of action in enforcing any violation of this chapter:

(a) A penalty of fifty dollars (\$50.00) may be levied against any person who violates any section of this chapter;

(b) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by law;

(c) The city may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this chapter existing on his or her property; or

(d) A lien will be levied against the property owner for the cost of removal of trash, weeds or grass by city personnel or private contractor as provided by the authority of the city. (Ord. #85-4, Sept. 1985)

20-110. Receipts. All proceeds received from the collection of penalties shall be deposited into the general fund. (Ord. #85-4, Sept. 1985)