

ORDINANCE NO. 1519

AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO LITTER IN THE CITY, CREATING A NEW CHAPTER 9.09 IN THE RUSTON MUNICIPAL CODE TO ENSURE THE HEALTH, WELFARE AND CLEANLINESS OF THE CITY, ADOPTING THE FOLLOWING SECTIONS: 9.09.010 (SHORT TITLE), 9.09.020 (DEFINITIONS), 9.09.030 (LITTER IN PUBLIC PLACES), 9.09.040 (PLACEMENT OF LITTER IN RECEPTACLES), 9.09.050 (LITTER IN PARKS), 9.09.060 (LITTER IN LAKES AND FOUNTAINS), 9.09.070 (TRUCKLOADS CAUSING LITTER), 9.09.080 (LITTER THROWN BY PERSONS IN VEHICLES), 9.09.090 (SWEEPING LITTER INTO GUTTERS), 9.09.100 (LITTER ON PRIVATE PROPERTY), 9.09.110 (POSTING NOTICES PROHIBITED), 9.09.120 (VIOLATION – PENALTY), INCORPORATING THE CODE ENFORCEMENT PROCEDURES CONTAINED IN CHAPTER 12.40 RMC FOR USE IN ENFORCEMENT OF UNLAWFUL JUNK VEHICLES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the presence of public nuisances has a detrimental effect on the health safety and welfare of the community; and

WHEREAS, the City initially adopted a code on nuisances in 1968; and

WHEREAS, that code was last amended in 1980; and

WHEREAS, the City's code enforcement officer has recommended that the nuisance code be brought current and that other codes relating to junk vehicles and litter also be adopted; and

WHEREAS, this ordinance provides an up-to-date chapter on litter and enforcement actions against the same; and

WHEREAS, the City Council finds that it is in the public interest to create a litter ordinance for use in cleaning up the City and removing nuisances and enforcing its codes; and

WHEREAS, on February 5, 2019, the City Council held first reading of this ordinance; and

WHEREAS, on February 19, 2019, the City Council held the second reading of this Ordinance and adopted this Ordinance during its regular meeting; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS
FOLLOWS:**

Section 1. A new Chapter 9.09 RMC entitled “Litter Control” is added to Title 9 of the Ruston Municipal Code to read as follows:

Chapter 9.09

LITTER CONTROL

Sections:

- 9.09.010 Short title.
 - 9.09.020 Definitions.
 - 9.09.030 Litter in public places.
 - 9.09.040 Placement of litter in receptacles.
 - 9.09.050 Litter in parks.
 - 9.09.060 Litter in lakes and fountains.
 - 9.09.070 Truckloads causing litter.
 - 9.09.080 Litter thrown by persons in vehicles.
 - 9.09.090 Sweeping litter into gutters.
 - 9.09.100 Litter on private property.
 - 9.09.110 Posting notices prohibited.
 - 9.09.120 Violation – Penalty.
- State law reference(s)** – Model litter control act, RCW 70.93.010 et seq.

9.09.010 Short title.

This chapter shall be known and may be cited as the “City of Ruston Anti-Litter Ordinance.”

9.09.020 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aircraft is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word “aircraft” includes helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle is a litter storage and collection receptacle as required and authorized in Ch. 6.01 RMC.

Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter is “garbage,” “refuse,” and “rubbish” as these terms are defined in this section and all other waste material which, if thrown or deposited as prohibited in this chapter tends to create a danger to public health, safety and welfare.

Newspaper is any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law. In addition, the term “newspaper” shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

Park is a park, public open space, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

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

Public place is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse is all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish is non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle is 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.

9.09.030 Litter in public places.

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

State law reference(s) – Similar provisions, RCW 70.93.060.

9.09.040 Placement of litter in receptacles.

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

State law reference(s) – Similar provisions, RCW 70.93.060(2).

9.09.050 Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such 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 such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this chapter.

State law reference(s) – Similar provisions, RCW 70.93.060.

9.09.060 Litter in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city.

State law reference(s) – Similar provisions, RCW 70.93.060.

9.09.070 Truckloads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such 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. No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

State law reference(s) – Similar provisions, RCW 46.61.655.

9.09.080 Litter thrown by persons in vehicles.

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

State law reference(s) – Similar provisions, RCW 73.93.060.

9.09.090 Sweeping litter into gutters.

a. *Prohibited.* No person shall sweep into 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 property shall keep the sidewalk in front of their premises free of litter.

b. *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 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 within the city shall keep the sidewalk in front of their business premises free of litter.

9.09.100 Litter on private property.

a. *Occupied property.* No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such 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 any private property.

b. *Vacant lots.* No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

c. *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; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

9.09.110 Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

9.09.120 Violation – Penalty.

a. *Civil code enforcement action.* Any violation of any provision of this chapter constitutes a civil violation under Chapter 12.40 RMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

b. *Criminal offense.* In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter may be charged criminally, pursuant to RMC 12.40.080(b).

c. *Civil infraction.* In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter may be issued a class 1 civil infraction pursuant to RCW 7.80.120, as currently enacted or hereafter amended.

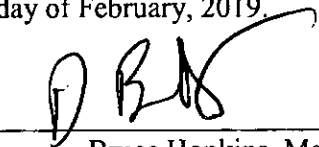
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 19th day of February, 2019.

APPROVED by the Mayor this 19th day of February, 2019.



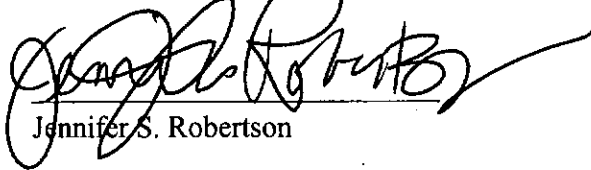
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Jennifer S. Robertson

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1519