

CHAPTER 8 LITTER AND WEED CONTROL

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5-8-1 PURPOSE.

The accumulation of waste, refuse, trash, garbage, rubbish, litter and other deleterious substances upon public and private property and in streets and alleys, rights-of-way, tree lawns, and the like, within the City detracts from the appearance of the City and reduces property values. The accumulation of such deleterious substances also increases the spread of contagious diseases and infections, and creates a health and safety hazard to children. It is necessary for the preservation of health, safety, sanitation and the public welfare that proper and adequate regulations be adopted to require property owners, tenants and all persons having control of real property and the storage, disposal and accumulation of deleterious substances, to remove and dispose of such deleterious substances in the manner specified in this Chapter. (Ord. 2968, 10-9-14)

5-8-2 DEFINITIONS.

For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

Aircraft. Any craft designed for navigation or flight in air.

Garbage. Any waste resulting from the preparation, cooking, consumption or handling of food or other edible substance, whether for human or animal consumption, including without limitation, waste from the handling, storage and sale of produce.

Handbill. Any printed or written matter, sample, circular, leaflet, pamphlet, booklet, or any other printed literature of any kind.

Junk. Any waste consisting of any mechanical appliance, vehicle, machinery, equipment or apparatus, or any parts therefrom, including without limitation, all non-functional appliances,

automobiles, automobile parts, recreational vehicles, boats, snowmobiles, motorcycles, farming and construction equipment.

Litter. Garbage, junk, refuse, waste, and weeds as defined in this Chapter.

Occupant. Any person having control, possession or charge over real property.

Owner. Any person having a fee ownership in real property.

Refuse. All materials of any kind or nature, including, but not limited to, handbills, newspapers, papers, cartons, boxes, barrels, shrubs, tree trunks (other than stumps in the ground), wood, brush, weeds, branches, yard trimmings, leaves, furniture, bedding, tin cans, metals, bottles, ashes, clinkers, automobile bodies and parts, appliances, broken glass, broken concrete, rock, crockery, mineral waste, street sweepings, industrial waste, sawdust, lumber scraps, shavings, animal carcasses, wire and plastics.

Waste. Any material or items for which there is no practical use other than for recycling, and which if placed or deposited as prohibited in this Chapter is markedly offensive or unsightly, or which creates an offensive odor or is unsanitary or unsafe, attracts insects or rodents or in any way creates a public nuisance or health or safety hazard.

Weeds. Any plant, growing or dead, more than ten inches in height, measured from the surface of the ground, except plants grown for ornamental purposes or for production of food for man or beast. Noxious plants, regardless of height, shall be considered weeds. (Ord. 2968, 10-9-14)

5-8-3 LITTERING PROHIBITED

No person shall deposit litter in or upon any private property, canal right-of-way, public street, alley, sidewalk, park, right-of-way, or upon any publicly-owned property within the City, except in receptacles designed therefor. (Ord. 3054, 01-26-16)

5-8-4 DEPOSIT OF LITTER IN RECEPTACLES.

No person shall deposit litter in any receptacle in a manner which exceeds the capacity of such receptacle or which will create a likelihood of its being blown or carried by the elements upon any public place or private property. (Ord. 3054, 01-26-16)

5-8-5 DEPOSIT OF PETROLEUM PRODUCTS.

No person shall pour or deposit oil or any other petroleum product upon any private property, canal right of way, public street, alley, sidewalk, park or other public property, provided nothing herein shall prevent the use of oil, asphalt or other petro-chemicals for the purpose of construction, maintenance or operation of a street or alley.

5-8-6 LITTERING FROM VEHICLES.

No person shall throw, or permit to be thrown from any vehicle, any litter or handbills while a driver or passenger in a vehicle being operated upon a public street or alley. (Ord. 3054, 01-26-16)

5-8-7 DROPPING MATERIAL FROM AIRCRAFT.

No person in any aircraft shall throw out any litter or handbills while flying over the City. (Ord. 3054, 01-26-16)

5-8-8 IMPROPER HAULING OF LITTER.

It is unlawful for any person to haul litter, or otherwise operate a vehicle carrying litter, in any manner which causes litter to be deposited upon any public street, sidewalk or private property, or which creates a likelihood that litter will be blown, dropped or spilled therefrom. (Ord. 3054, 01-26-16)

5-8-9 POSTING NOTICES.

No person shall post or affix any handbill upon any public utility pole, sign post, lamp post, telephone pole, shade tree or upon any public structure or building, except as may be expressly authorized or required by law. (Ord. 3054, 01-26-16)

5-8-10 POSTING HANDBILLS OR SIGNS.

No person shall post or affix any handbill or sign to any building, structure, tree or appurtenance owned by any other person, without the consent of the owner or occupant thereof. (Ord. 3054, 01-26-16)

5-8-11 ACCUMULATION OF LITTER UPON PRIVATE PROPERTY.

It shall be unlawful for any person owning or having control of private property within the City to deposit, store or allow the accumulation of litter upon such property, except:

- (A) The temporary storage or accumulation of construction debris or materials in a manner which prevents the same from being blown upon adjoining property, while a building or structure is being constructed upon the premises, or during remodeling or reconstruction thereof.
- (B) Upon any property owned or operated by any recycler, salvage dealer, or junk yard dealer licensed by the City, subject to all provisions and restrictions contained in any ordinance or statute governing the operation of such licensed business. (Ord. 3054, 01-26-16)

5-8-12 REMOVAL OF WEEDS.

It shall be unlawful for any owner or occupant of any real property within the City to allow weeds to grow, exist or accumulate upon such real property. (Ord. 3054, 01-26-16)

5-8-13 SPECIAL ASSESSMENTS. Notwithstanding the imposition of any criminal fine, penalty or imprisonment, the City may, subject to the provisions of this Section, remove any litter or weeds from any private property within the City and levy a special assessment against such property, for the reasonable costs of such removal. Prior to the removal of such litter or weeds, the City shall give notice in writing to the owner of such property, which notice shall state the street address of the property where the litter or weeds exists, and shall describe the nature and general location of the litter to be removed. Such notice shall state that such litter or weeds shall be removed within ten (10) days from the date the notice is sent. Such notice shall be sent by United States mail to the owner of the property at the address listed upon the real property assessment rolls of Bonneville County. Such notice may also be sent to the occupant of the property at the address if the occupant and owner are not the same individual or entity. If the owner or occupant fails to remove the litter or weeds within the time specified in the notice, the City shall either issue a misdemeanor citation or shall send a final notice to the owner or occupant or both at the address stating that if such litter or weeds are not removed within ten (10) days from the date the notice is sent, the City may issue a misdemeanor citation. (Ord. 3054, 01-26-16)