

## Title 6

### HEALTH AND SANITATION

#### Chapters:

- 6.04 Refuse Collection
- 6.08 Uniform Litter Control Code

#### Chapter 6.04

### REFUSE COLLECTION

#### Sections:

- 6.04.010 Chapter application.
- 6.04.020 Purpose.
- 6.04.030 Definitions.
- 6.04.040 Accumulation and disposal of refuse regulated.
- 6.04.050 System established.
- 6.04.060 Administration.
- 6.04.070 Accumulation--Removal by Town--Cost liability.
- 6.04.080 Permit required.
- 6.04.090 Minimum service levels required.
- 6.04.100 Loading zones established.
- 6.04.110 Capacity of containers.
- 6.04.120 Pickup frequency.
- 6.04.130 Subscription for service.
- 6.04.140 Service levels.
- 6.04.150 Collection of recyclables.
- 6.04.160 Voluntary yardwaste collection.
- 6.04.170 Billing for refuse and recycling services.
- 6.04.180 Rates.
- 6.04.190 Severability.

**6.04.010 Chapter application.** This chapter shall apply to all territory embraced within the corporate limits of the Town of Steilacoom. (Ord. 1241 §1(part), 1998).

**6.04.020 Purpose.** The maintenance of health and sanitation requires, and it is the intention hereof, to make the collection, removal and proper disposal of refuse, garbage, trash, solid waste and dead animals within the Town of Steilacoom compulsory and universal. Only the Town may engage in business of removing, transporting, recycling and disposing of refuse except as otherwise specifically provided in this title. (Ord. 1241 §1(part), 1998).

**6.04.030 Definitions.** For the purposes of this chapter, unless the context indicates otherwise, the words and phrases used in this chapter are defined as follows:

(1) "Agreement" means the legal document (contract) that contractually binds the Town and contractor for the collection, handling, transportation, disposal and recycling of all or part of the Town's refuse, trash, recyclables, yardwaste and medical infectious waste within the Town.

(2) "Bag" means a thirty-two (32) gallon plastic bag durable enough to be lifted without breaking, not to exceed forty (40) pounds at time of pickup, provided by the customer.

(3) "Can" means a thirty-two (32) gallon receptacle, not to exceed sixty-five (65) pounds at time of pickup, provided by the customer.

(A) "Co-mingled Residential/Multifamily Recycling Toter" shall mean a large plastic wheeled cart, having a minimum ninety-five (95) gallon capacity, dumped mechanically to be provided by the contractor.

(B) "Co-mingled Residential/Multifamily Recycling" shall include, aluminum cans, tin cans, cardboard, mixed paper, newspaper, shredded paper, cereal boxes, paper or frozen food boxes, milk jugs, plastic bottles (necks smaller than the base), paper style milk cartons, and phone books. It does not include glass bottles, glassware, ceramics, light bulbs, batteries, aerosol cans, toxic product containers, plastic cups, plastic tubs, plastic lids, plastic bags, Styrofoam peanuts, Styrofoam containers, foil, chip bags, frozen food bags, pill bottles, juice boxes, metal coat hangers, and food-contaminated paper plates and napkins.

(4) "Contractor" means any person, firm, partnership under contract with the Town of Steilacoom for the collection, handling, transportation and disposal of all or part of the Town's refuse, trash, recyclables, yardwaste and medical infectious waste within the Town.

(5) "Curbside" means at the curb or up to five (5) feet from the edge of the driving surface of the road or alley.

(6) "Customer" means all persons subscribing to the service contracted for by the Town for the collection and disposal of refuse, trash, recyclables, yardwaste and medical infectious waste within the Town.

(7) "Drive-in" means the action of the vehicle leaving the public road to provide service.

(8) "Drop box" means a large-volume (13 cubic yards or greater) detachable container that can be pulled onto a collection vehicle mechanically and transported to a disposal site.

(9) "Front load container" means a detachable metal container of various cubic yard sizes which is loaded directly by the truck by driving straight into the unit with the front-loading forks.

(10) "Garbage/solid waste" means all putrescible and non-putrescible solid and semisolid wastes, including but not limited to, rubbish, ashes, demolition and construction wastes, animal and vegetable waste, abandoned vehicles or parts thereof. Garbage/solid waste does not include sludge and septage; dangerous, hazardous, or medical infectious waste; automobile/marine batteries; large appliances; rubber tires; carcasses of dead animals.

(11) "Medical infectious waste" includes, but is not limited to, contaminated sharps, human and or animal blood and blood products, culture and stocks of infectious agents and associated agents and associated biologicals.

(12) "Mini-can" means a twenty (20) gallon receptacle, not to exceed forty (40) pounds at time of pickup, provided by the customer.

(13) "Multifamily unit" means any single family dwelling complex of more than four units.

(14) "Offal" means the waste parts or leavings of a butchered animal.

(15) "Packout" means a carryout service per can from a distance greater than five (5) feet from the edge of the driving surface.

(16) "Rear load container" means a detachable metal container with the size of one (1), one and one-half (1-1/2) or two (2) cubic yards used for the collection and disposal of refuse, attached by hand at the rear of the truck and dumped mechanically. This container shall be placed on a hard, level surface.

(17) "Recyclables" includes newspapers, mixed paper, cardboard, aluminum cans, tin cans, plastic bottles, milk-style paper cartons and other such material as shall be mutually agreeable to both the contractor and the Town.

(18) "Recycling Cart" means a wheeled, plastic receptacle provided and owned by the contractor, designated for the collection of recyclables and designed to be picked up and emptied by mechanical means into the contractor's collection vehicle. It may also be referred to as a "totter".

(19) "Refuse" means garbage, trash, rubbish, ashes, swill and all other putrescible wastes except sewage, from all public and private establishments and residences. Refuse shall include all the above including those items that are recyclable.

(20) "Refuse container" means a portable can made of durable, corrosion-resistant, non-absorbent material, watertight with close-fitting cover and two graspable handles. No cans of any size shall weigh more than twelve (12) pounds empty.

(21) "Residential unit" means any residential dwelling receiving solid waste and recycling collection service where the owner or tenant is billed for solid waste collection service to the dwelling as an individual unit. This may include, but is not limited to, single family homes and individual residences located in duplexes, triplexes, and fourplexes located in the Town and served by the contractor.

(22) "Single-stream collection" means the collection of designated recyclables commingled in one container, generally collected with automated or semi-automated trucks.

(A) "Solid Waste Toter" shall mean a large plastic wheeled cart having a minimum sixty-five (65) gallon capacity or a minimum ninety-five (95) gallon capacity, dumped mechanically to be provided by the contractor.

(23) "Subscription" means to sign up, by written order, for a specific level of service for the collection and disposal of refuse, recyclables, yardwaste, and medical infectious waste.

(24) "Super mini-can" means a twelve (12) gallon receptacle, not to exceed twenty-eight (28) total pounds at time of pickup, provided by the customer.

(25) "Town" means the Town of Steilacoom, Washington, or any official or agent representing the Town in the discharge of his or her duties.

(26) "Trash" means worthless, discarded material; trash does not include sludge and septage; dangerous, hazardous, or medical infectious waste; automobile/marine batteries; large appliances; rubber tires; carcasses of dead animals.

(27) "Yardwaste" means grass and vegetative material which occurs naturally and is grown on residential or commercial property or is included in the landscaping of such property. The term also includes Christmas trees that are free of any decoration and flocking. The term does not include rocks, sod, gravel, dirt, sand, branches larger than four (4) inches in diameter or stumps.

(28) "Yardwaste Toter" shall mean a large plastic wheeled cart having a minimum ninety-five (95) gallon capacity not to exceed 130 lbs., dumped mechanically, to be provided by the contractor. (Ord. 1451 §§ 1-4, 2009).Ord. 1382 §§1-3, 2005; Ord. 1382 §1, 2005: Ord. 1241 §1(part), 1998).

**6.04.040 Accumulation and disposal of refuse regulated.** It is unlawful for any person to bury, burn, dump, collect, remove, or in any other manner dispose of or deposit refuse or medical infectious waste upon any street, alley, public place, or private property within the Town otherwise than as herein provided; except, however, that this section shall not be taken to prohibit maintenance of any compost heap upon private property in a manner not constituting a nuisance. (Ord. 1241 §1(part), 1998).

**6.04.050 System established.** A refuse and medical infectious waste collection, transportation, disposal, and recycling system for the Town of Steilacoom is established, which shall be maintained and operated as provided in this chapter. (Ord. 1241 §1(part), 1998).

**6.04.060 Administration.** The collection, transportation, disposal and recycling of refuse, trash, and medical infectious waste within Steilacoom shall be performed by and under the direction of the officials and employees of the Town. (Ord. 1241 §1(part), 1998)

**6.04.070 Accumulation—Removal by Town—Cost liability.** In case any owner or occupant of premises within the Town permits refuse to accumulate thereon, and fails or refuses to deposit such refuse in suitable containers in accordance with the provisions of this chapter, it shall be at the discretion of the Town Administrator to collect and remove such refuse, and in such case, the entire expense of the collection and removal thereof, as determined by the Town Administrator, shall be charged against such premises, and against the owner or occupant thereof, in addition to the regular charge for the collection and disposal of refuse. (Ord. 1241 §1(part), 1998).

**6.04.080 Permit required.** It is unlawful for anyone except Town employees or the authorized refuse collector to collect, remove, or transport refuse, offal, or any other offensive or noxious substances, or to operate any vehicle for such purpose through the streets, highways, or other ways within the Town without first having obtained a permit from the Town Clerk-Treasurer. The permit shall be numbered and shall be valid for one year from date of issue, unless revoked sooner by the Town. (Ord. 1241 §1(part), 1998).

**6.04.090 Minimum service levels required.** The minimum refuse collection service required to be maintained in the Town of Steilacoom shall be a super mini-can (12 gallons) one time per week (with curbside recycling) for all residential customers. The minimum service level for multifamily residential and commercial customers is a weekly service at a level commensurate with the amount of refuse produced by the complex or establishment as determined by the contractor. In addition, all multifamily complexes must contract for recycling collection service based on the total number of units available for occupancy within each complex. Commercial recycling collection, terms, conditions, and rates shall be made available on a case-by-case basis as agreed to by the Town and contractor. (Ord. 1241 §1(part), 1998).

**6.04.100 Loading zones established.** Every owner or occupant of premises within the Town is required to use the refuse collection and disposal system provided by the Town, and shall deposit or cause to be deposited all refuse of such a nature that is perishable or may decompose or may be scattered by wind or otherwise which may accumulate on any premises owned or occupied by him or her in a refuse container or other substantial container as defined in this chapter. All refuse which may accumulate on such premises shall be placed by the owner in specified containers at a point convenient for loading, which point shall not be farther from the nearest line of the street, road, alley or private driveway which can be conveniently used by the refuse truck as stated in the following zones:

Zone 1 5 feet or less (curb service)

Zone 2 100 feet or more (drive-in)

Zone 3 5-100 feet (packout) The containers in which refuse shall be deposited as provided in SMC 6.04.100 shall be of a capacity not to exceed ninety-five (95) gallons for a large solid waste toter, sixty-five (65) gallons for a small solid waste toter, thirty-two (32) gallons each for a full can, twenty (20) gallons for a mini-can, or twelve (12) gallons for a super mini-can. (Ord. 1241 §1(part), 1998).

**6.04.110 Capacity of containers.** The containers in which refuse shall be deposited as provided in SMC 6.04.100 shall be of a capacity not to exceed ninety-five (95) gallons for a large solid waste toter, sixty-five (65) gallons for a small solid waste toter, thirty-two (32) gallons each for a full can, twenty (20) gallons for a mini-can, or twelve (12) gallons for a super mini-can. (Ord. 1451 §5, 2009; Ord. 1241 §1(part), 1998).

**6.04.120 Pickup frequency.** Collection and disposal of refuse from all premises within the Town on which a residence or place of business is located shall be made once each week, or at

least once every month if a solid waste toter is used, and further collections and disposals of refuse may be made whenever in the judgment of the Public Works Director such collection is necessary or advisable in order to keep any of the premises within the Town, whether vacant or occupied, clean and sanitary. (Ord. 1451 §6, 2009: Ord. 1241 §1(part), 1998).

**6.04.130 Subscription for service.** All services shall be by subscription

(1) Residential subscriptions shall be offered consistent with SMC 6.04.120 and shall be offered for any of the container service levels provided for in SMC 6.04.140 Service levels. Subscriptions changes to existing accounts are limited to one per month.

(2) Excess Refuse Container or Bag Charges. The cost for each container or bag collected that is not within the subscription shall be pursuant to the agreement in force. (Ord. 1451 §7, 2009: Ord. 1241 §1(part), 1998).

**6.04.140 Service levels.** The following levels of service shall be made available for the collection, transportation, disposal and recycling of refuse within the Town:

(A) RESIDENTIAL REFUSE SERVICE:

- (1) Super mini-can
- (2) Mini-can
- (3) Thirty-two (32) gallon can(s)
- (4) Sixty-five (65) gallon toter(s)
- (5) Ninety-five (95) gallon toter(s)
- (6) Extra can(s) or bag(s)

Service levels (1) through (5) include bi-weekly curbside recycling collection.

(B) MULTIFAMILY/COMMERCIAL REFUSE SERVICE:

- (1) One (1) yard rear load container
- (2) One and one-half (1-1/2) yard rear load container
- (3) Two (2) yard rear load container
- (4) Three (3) yard container
- (5) Four (4) yard container
- (6) Six (6) yard container

Service levels (1) through (6) shall be available at either once or twice a week pickup. (Ord. 1451 §8, 2009: Ord. 1241 §1(part), 1998).

**6.04.150 Collection of recyclables.** The curbside collection of recyclable materials in Town shall be pursuant to the schedule, terms and conditions of the prevailing agreement.

(A) The monthly rates for residential refuse collection shall include a charge for recycling and waste reduction services as determined by the Town. All town residential customers will receive one (1) wheeled container of approximately 96-gallons (recycling cart) from the contractor charged with picking up recyclables, and will pay this charge regardless of their participation. The contractor shall provide a process for customers to request and receive an alternative 65-gallon wheeled recycling cart for those customers who feel its size is too unwieldy for them to move or store. The contractor shall have a process in place to work cooperatively with, and reasonably accommodate, residents with special needs, such as physical infirmity or physical limitations. All containers shall contain, or have attached, information about the proper preparation of materials and with a telephone number and name of the certified hauler. The information may be stamped into the container, on a water-proof sticker, a combination of both, or some other alternative which provides the customer with sufficient permanent information to be able to contact the hauler. Replacement of the containers necessitated by normal use or by container damage due to the hauler's negligence shall be the responsibility of the hauler. Replacement necessitated by container damage or loss due to the customer's negligence shall be at the customer's expense.

(B) The monthly rates for multifamily recycling shall include a charge for recycling and waste reduction services as determined by the Town. All town multifamily customers will receive recycling bins from the contractor charged with picking up recyclables, and will pay this charge regardless of their participation. Multifamily customers will be provided either:

- (1) Three (3) bins per unit for source-separated materials; or
- (2) One (1) bin per unit for deposit into an on-site collection area.

(C) Collection of recyclables from commercial establishments shall be made available as determined by mutual agreement between the Town and contractor. (Ord. 1382 §4, 2005; Ord. 1241 §1(part), 1998).

**6.04.160 Voluntary yardwaste collection.** The collection of yardwaste materials in Town shall be pursuant to the schedule, terms and conditions of the prevailing agreement. For the collection and disposal of yardwaste from all voluntarily participating premises on which a residence is located the following shall apply:

(1) All town residential customers voluntarily participating in the yardwaste recycling program shall receive one (1) ninety (90) gallon “toter” (container with wheels) from the contractor charged with picking up yardwaste, and will pay a charge, as determined by the Town, for their voluntary participation in the yardwaste recycling program under the terms provided herein.

(2) The annual sign-up period shall be February 1st through the last working day in February, with new service beginning March 1st of that year. There shall be no charge for initial sign-up. New utility customers may sign up for yardwaste recycling at the time they initially contract with the Town for utility services.

(3) All residents wishing to participate in this program shall agree to participate for no less than one (1) year from the date that they first receive service. Early termination of the service, for any reason other than permanent elimination of all refuse services to the residence, or temporary suspension of services for vacation, shall incur a penalty charge of \$13.00 (thirteen dollars U.S.) (Ord. 1241 §1(part), 1998).

**6.04.170 Billing for refuse and recycling services.** The Town has entered into an agreement with the contractor which requires the contractor to bill for all refuse and recycling services in accordance with the Agreement. All costs related to billing and bill collection will be paid by the contractor.

(1) The contractor will, on a monthly basis, provide each customer with a billing statement for services rendered based on the terms, rates and charges as enumerated in the Agreement. Charges for any refuse and recycling services not covered in the Agreement shall be determined by the mutual agreement of the Town and the contractor.

(2) The contractor will provide monthly billings which will include charges for all services rendered in the month previous to that in which the bill is received by the customer.

(3) The contractor will bill customers directly for all refuse collection and recycling services including all services that exceed the level of service subscribed to by the customer.

(4) The bill provided by the contractor will clearly state the type of service for which the customer is being charged. The bill will include all applicable rates, charges, taxes and surcharges. (Ord. 1451 §9, 2009; Ord. 1441 §1, 2008; Ord. 1241 §1(part), 1998).

**6.04.180 Rates.** The rates and charges for refuse and recycling services shall be pursuant to Resolution No. 1081 and the Agreement, approved by the Town Council on January 6, 2009 by and between Harold LeMay Enterprises Inc., their successors or assigns, and the Town of Steilacoom. These rates shall be subject to periodic review and adjustment consistent with the terms and conditions of the Agreement. (Ord. 1451 §10, 2009; Ord. 1437 §1, 2008; Ord. 1424

§1, 2007:Ord. 1382 §5, 2005; Ord. 1318 §1, 2002: Ord. 1280 §1, 2000: Ord. 1252 §1, 1998: Ord. 1241 §1(part), 1998).

**6.04.190 Severability.** The invalidity of any section, subsection, provision, clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 1241 §1(part), 1998).

## Chapter 6.08

### UNIFORM LITTER CONTROL CODE

#### Sections:

- 6.08.010 Short title.**
- 6.08.020 Purpose.**
- 6.08.030 Definitions.**
- 6.08.040 Litter in general.**
- 6.08.050 Placement of litter receptacles.**
- 6.08.060 Use of receptacles.**
- 6.08.070 Damaging receptacles.**
- 6.08.080 Removal of litter.**
- 6.08.090 Mandatory litter bags.**
- 6.08.100 Sweeping litter into gutter prohibited.**
- 6.08.110 Merchants' duty to keep sidewalks free of litter.**
- 6.08.120 Owner to maintain premises free of litter.**
- 6.08.130 Throwing or distributing commercial handbills in public places.**
- 6.08.140 Placing commercial and noncommercial handbills on vehicles.**
- 6.08.150 Depositing commercial and noncommercial handbills on uninhabited or vacant property.**
- 6.08.160 Prohibiting distribution of handbills where properly posted.**
- 6.08.170 Distributing commercial and noncommercial handbills at inhabited private residences.**
- 6.08.180 Litter thrown by persons in vehicles.**
- 6.08.190 Vehicle loading.**
- 6.08.200 Town inspections for litter receptacles.**
- 6.08.210 Enforcement officers and procedures.**
- 6.08.220 Penalties.**

**6.08.010 Short title.** This chapter shall be known and may be commonly referred to and cited as the "Uniform Litter Control Code." (Ord. 485 §1, 1973).

**6.08.020 Purpose.** The purpose of this chapter is to accomplish litter control in the Town and pursuant to the general laws of the State of Washington to adopt basically uniform and coordinated litter control local legislation throughout the State. This chapter is intended to place upon all persons within the Town, in a cooperative and coordinated statewide effort, the duty of contributing to the public cleanliness of the Town and appearance in order to promote the public health, safety and welfare and to protect the economic interests of the people of the Town 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 the littering of the

streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial and noncommercial handbills. (Ord. 485 §21, 1973).

**6.08.030 Definitions.** As used in this Uniform Litter Control Code, unless the context clearly indicates otherwise, the following terms have the following meanings. All words used in the present tense include the future and past tenses; all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

(1) "Town" means the Town of Steilacoom, Washington;

(2) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature, excluding newspapers:

(A) Which advertises for sale any merchandise, product, commodity, or thing, or

(B) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales, or

(C) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of the Town, or

(D) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor;

(3) "Highway," for the purposes of this chapter, is synonymous with and includes street, road and alley;

(4) "Litter" means all solid wastes including but not limited to containers, packages, wrapping, printed matter or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing;

(5) "Litter bag" means 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;

(6) "Litter receptacle" means those containers meeting minimum requirements of state regulations of the State Department of Ecology;

(7) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department 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; and in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public;

(8) "Noncommercial handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine paper, booklet, or any other printed or



otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper;

(9) "Park" is a park, reservation, playground, beach, recreation center or any other area in the Town devoted to active or passive outdoor recreation;

(10) "Person" is any individual, political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, or other entity whatsoever;

(11) "Private residence" means any privately owned yard, grounds, walk, driveway, dwelling, house, building or other structure, including appurtenant porches, steps or vestibules, used or designed either wholly or in part for private residential purposes, whether single family, duplex or multiple, and whether inhabited or temporarily or continuously uninhabited or vacant;

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests;

(13) "Road," for the purposes of this chapter, is synonymous with and includes street, highway and alley;

(14) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities;

(15) "State regulations" means the regulations duly promulgated and adopted by the State Department of Ecology pursuant to RCW Chapter 34.04 and codified or prepared for codification as part of the Washington Administrative Code, copies of the applicable portions of which are attached to Ordinance No. 485 as Exhibit "A" and by this reference are incorporated herein as if set forth in full;

(16) "Street," for the purposes of this chapter, is synonymous with and includes road, highway and alley;

(17) "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, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(18) "Watercraft" means any boat, ship, vessel, barge or other floating craft. (Ord. 485 §2, 1973).

#### **6.08.040 Litter in general.**

(a) No person shall throw, drop, deposit, discard or otherwise dispose of litter upon any street, alley sidewalk or any other public place in the Town or upon a private residence or other private property not owned by him, or in any waters within the jurisdiction of the Town whether from a vehicle or otherwise except:

(1) When such property is designated by the state or by any of its agencies or the Town for the 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 the public place, private residence or other 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 the owner or tenant and provided the litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

(b) Any person violating the provisions of this section shall be subject to the penalty provided for in SMC 6.08.220. In addition thereto, in the sound discretion of the court, such person may be directed by the court to pick up and remove from any public place or any private

residence or other property, with permission of the legal owner or other person having legal possession, upon which it is established by competent evidence that such person had deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence. (Ord. 1096 §1, 1992; Ord. 485 §3, 1973).

**6.08.050 Placement of litter receptacles.**

(a) Litter receptacles shall be placed in all parks, trailer parks in respect to the service of transient habitation, parking lots, shopping centers, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need as specified by state regulation.

(b) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such state regulations.

(c) Any person who fails to place such litter receptacles on the premises in the numbers and design required by state regulation, violating the provisions of this section, shall be subject to a fine of ten dollars for each day of violation. (Ord. 485 §4, 1973).

**6.08.060 Use of receptacles.**

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

(b) Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business. (Ord. 485 §5, 1973).

**6.08.070 Damaging receptacles.** It is unlawful for any person to willfully damage or deface any litter receptacle of another person. Upon conviction for such violation, such violator shall be subject to a fine of one hundred dollars for each such violation. (Ord. 485 §6, 1973).

**6.08.080 Removal of litter.** It is the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter receptacles placed in parks, beaches, campgrounds, and other public places. (Ord. 485 §7, 1973).

**6.08.090 Mandatory litter bags.** The owner and person in possession of all vehicles or watercraft shall keep and use a litter bag in the vehicle or watercraft at all times which litter bag shall be maintained in such vehicle or watercraft in such a place in which the same may be viewed from the outside of such vehicle or watercraft whether or not the vehicle or watercraft is locked or otherwise secured from entry. (Ord. 485 §8, 1973).

**6.08.100 Sweeping litter into gutter prohibited.** No person shall sweep into or deposit in any gutter from any building or other public place 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 sidewalks in front of their premises free of litter. (Ord. 485 §9, 1973).

**6.08.110 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 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 Town shall keep the sidewalk in front of their business premises free of litter. (Ord. 485 §10, 1973).

**6.08.120 Owner to maintain premises free of litter.** The owner or person in control of any private residence or other private property shall at all times maintain the premises free of litter. (Ord. 485 §11, 1973).

**6.08.130 Throwing or distributing commercial handbills in public places.** No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the Town. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it is not unlawful on any sidewalk, street, or other public place within the Town for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Ord. 485 §12, 1973).

**6.08.140 Placing commercial and noncommercial handbills on vehicles.** No person shall throw or deposit any handbills, commercial or noncommercial, in or upon any vehicle; provided, however, that it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. 485 §13, 1973).

**6.08.150 Depositing commercial and noncommercial handbills on uninhabited or vacant property.** No person shall throw or deposit any commercial or noncommercial handbill in or upon any private residences or other private property which are temporarily or continuously uninhabited or vacant. (Ord. 485 §14, 1973).

**6.08.160 Prohibiting distribution of handbills where properly posted.** No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private residence or other private property, if requested by anyone thereon not to do so, or if there is placed on the residence or property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or similar notice, indicating in any matter that the occupants of the residence or property do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 485 §15, 1973).

**6.08.170 Distributing commercial and noncommercial handbills at inhabited private residences.**

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private residences which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private residence; provided, however, than in case of inhabited private residences which are not posted, as provided in this chapter such person unless requested by anyone upon such residence not to do so, may place or deposit any such handbill in or upon such inhabited private residence, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such residence or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private residences or other private property. (Ord. 485 §16, 1973).

**6.08.180 Litter thrown by persons in vehicles.** No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any street or other public place or upon any private residence or private property. (Ord. 485 §17, 1973).

**6.08.190 Vehicle loading.**

(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.

(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 injure a vehicle or otherwise endanger travel upon such public street shall immediately cause the public street to be cleaned of all such glass or other objects and shall pay any cost therefor. (Ord. 485 §18, 1973).

**6.08.200 Town inspections for litter receptacles.**

(a) At such times as the Fire Department or other local fire control agency makes routine or other fire inspections within the Town, it shall also be the duty of the Fire Department to inspect all such inspected premises to assure compliance with the requirements for placing and maintaining litter receptacles as required by this chapter. In the event violations of this chapter are found, members of the Fire Department are authorized to issue citations and the other legal process authorized in this chapter as in the case of police and other law enforcement personnel.

(b) The Building Department shall not approve occupancy of any building, structure or other improvement for new construction or modification to any existing building, structure or other improvement, for which a building permit is required, nor give final approval to any such building, structure or other improvement, until litter receptacles as herein required have been set in place on the subject property. In the event violations of this chapter are found, members of the building department are authorized to issue citations and other legal process authorized in this chapter as in the case of police and other law enforcement personnel. (Ord. 485 §19, 1973).

**6.08.210 Enforcement officers and procedures.** Enforcement of this chapter may be by any police officer or other law enforcement officer. All such enforcement officers are empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this chapter. The enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation, or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged. Nothing herein shall be construed to prohibit citizens' complaints or arrests as may be otherwise permitted under applicable state regulations, state statute, ordinance or court rule. (Ord. 485 §20, 1973).

**6.08.220 Penalties.** Every person found to have committed or convicted of a violation of this chapter for which no penalty, fine, or punishment is specifically provided within the section violated, shall be punished as follows:

(1) If it is the first violation charged within any twelve-month period, found to have committed an infraction and be subject to a monetary penalty of up to \$250. In addition, the Court may impose the costs incurred by the Town, property owner, or the owner's designee in cleaning up and disposing of the material involved.

(2) If it is a second or subsequent violation charged within any twelve-month period, be subject to a fine of up to \$500 for each subsequent criminal conviction within a twelve month

period. Further, the court may impose the costs incurred by the Town, property owner, or owner's designee in cleaning up and disposing of the material involved. (Ord. 1096 §2, 1992; Ord. 485 §24, 1973).