

MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: June 3, 2016

Subject: Discussion regarding the existing City Ordinance addressing litter regulations

This item has been placed on the agenda at the request of Mayor Pro-Tem Moon, and will be discussed at the meeting. A copy of Article II, Chapter 14 of the City of Marshall Code of Ordinances entitled, "Litter Regulations" is attached.

ARTICLE II. - LITTER REGULATIONS^[2]*Footnotes:**-- (2) --**Editor's note—Ord. No. O-84-73, § 1, adopted Sept. 27, 1984, amended Ch. 14, but did not specify the manner of inclusion of these provisions. Therefore, at the editor's discretion, the provisions of Ord. No. O-84-73 have been codified as Art. II, §§ 14-40—14-48.*

Sec. 14-40. - Litter defined.

As used in this article, the term "litter" shall mean any garbage, refuse, rubbish and all waste material which, if not deposited in an authorized receptacle, creates a potential danger to public health, safety and welfare.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-41. - General prohibitions.

It shall be unlawful for any person, firm or corporation to deposit litter in or upon any public or private property within the city except in public or authorized private receptacles for collections. It shall be unlawful for any person, firm or corporation to place litter in a public or authorized private receptacle in such a manner as to allow that litter be carried by natural elements or animals on any street, sidewalk, public or private property.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-42. - Requirements for business, industrial commercial establishments.

All persons owning or occupying a place of business, industry or commercial establishment shall have litter receptacles in such numbers and such sizes as to comply with this section of this Code. The receptacles shall provide customers, agents, employees, and clients with a receptacle within which to deposit litter. All such receptacles will be kept clean. A lid is required on all receptacles and the lid shall be kept closed at all times, other than for deposit or removal of litter. It shall be unlawful for any person, firm or corporation to permit litter receptacles to overflow in any manner.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-43. - Requirements for residential and commercial construction sites.

Property owners and the general contractor in charge of a construction site shall furnish authorized private receptacles for construction, building materials and workers' litter. All litter from construction or any related activity shall be properly placed or deposited in the authorized private receptacles at the end of each work day.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-44. - Removal of trapped litter.

It shall be unlawful for the owner, occupant or lessee of private property to permit any trapped litter to remain on said property. Trapped litter is that litter which has been deposited upon the property of another by natural or unnatural means and remains on that property.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-45. - Litter from trucks.

It shall be unlawful for any person, firm or corporation to operate any truck or other vehicle within the city unless said truck or vehicle is constructed or loaded in a manner that prevents any of the contents from being blown or deposited on any street, alley or other public or private property.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-46. - Procedure for removing litter.

When it has been determined that litter exists upon and has been allowed to accumulate upon private property the owner of said property according to the tax rolls of the city shall be given written notice by certified mail, return receipt requested, that litter is present on his property. Notice shall specifically state that he has five (5) days after receipt of said letter to remove that litter from his property, after which period the city shall clean the property and that a privilege lien will be filed against the property for the cost incurred for cleaning litter from the property; the cost shall bear interest at the rate of ten (10) per cent per annum from the date said lien is filed.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-47. - Procedure when property owner unknown or unable to locate.

Where the owner of the property is unknown or can not be located, notice shall be published in a newspaper of general circulation within the city three (3) times within a consecutive ten-day period describing the property on which the litter exists and has accumulated, stating the names of the owners which can not be located or that the owners of said property are unknown, stating that the property shall be cleaned within five (5) days after the tenth day following the first day of publication in the newspaper, stating that if the property is not cleaned within such time period the city shall clean the property and stating that a privilege lien will be filed against the property for the cost incurred for cleaning litter from the property. The cost shall bear interest at the rate of ten (10) per cent per annum from the date said lien is filed.

(Ord. No. O-84-73, § 1, 9-27-84)

Sec. 14-48. - Penalty for violation.

Any person, firm or corporation violating the terms of any section of this article shall be guilty of a misdemeanor and, upon conviction in the municipal court of the city, shall be fined not less than fifteen dollars (\$15.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day that a violation of the provisions of this article exists shall constitute a separate offense.

(Ord. No. O-84-73, § 1, 9-27-84; Ord. No. O-86-10, § 1, 3-13-86)