

Ordinance No. 00038

[\(Council Minutes 96/01/16\)](#)

ORDINANCE NO. 38

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a Chapter 8.32 of the Lakewood Municipal Code relating to Litter Control

WHEREAS, among the responsibilities falling on the City of Lakewood upon incorporation are those involving enforcement of health and safety regulations of the City; and,

WHEREAS, among the areas of enforcement generally recognized as important to the community is litter control, as litter control enhances community aesthetics as well as protects against health and safety concerns that would develop if trash and litter were not properly removed and disposed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

SECTION 1. ADOPTION OF LITTER CONTROL REGULATIONS.

That Chapter 8.32 of the Lakewood Municipal Code, be, and the same hereby is, created to read as follows:

Chapter 8.32

LITTER CONTROL

Sections:

8.32.010 Declaration of purpose.

8.32.020 Definitions.

8.32.030 Enforcement.

8.32.040 Littering prohibited - Penalties.

8.32.050 Notice to public - Contents of chapter - Required.

8.32.060 Litter receptacles - Distribution - Placement - Violations - Penalties.

8.32.070 Litter bags - Design and distribution by department authorized - Violations - Penalties.

8.32.080 Removal of litter - Responsibility.

8.32.090 Coordination with the Department of Ecology.

8.32.900 Violations - Penalties.

8.32.010 Declaration of purpose.

The purpose of this Chapter is to accomplish litter control throughout the City by delegating to the City Manger or designee the authority to conduct a permanent and continuous program to control and remove litter from the City to the maximum practical extent possible, and to recognize ad work with the anti-litter programs of the State Department of Ecology. The intent of this Chapter is to add to and to coordinate existing litter control and removal efforts of private and public entities and individuals, and not to terminate or supplant such efforts.

8.32.020 Definitions.

As used in this Chapter, unless the context indicates otherwise, the following words shall have the meanings set forth below:

A. "Litter" means and includes all types of garbage, refuse, trash, and waste material;

B. "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 of any person, and is not limited to the State approved litter bag but must be similar in size and capacity;

C. "Litter receptacle" means an appropriately sized and shaped litter storage and collection receptacle intended to be used for the purpose of containing litter deposited therein, and includes but is not limited to those containers approved by the Department of Ecology as to standards as to size, shape, capacity, and color and bearing the State anti-litter symbol;

D. "Person" means any industry, public or private corporation, copartnership, association, firm, individual or other entity whatsoever;

E. APublic place@ means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings. Public place also means any area that is used or held out for use by the public whether owned or operated by public or private interests, and shall include lakes, rivers, streams and other waterways;

F.AVehicle@ means every device in, upon, or by which any person or property is or may be transported, including devices used exclusively upon stationary rails or tracks. Vehicle also means any boat, ship, vessel, barge, or other floating craft.

8.32.030 Enforcement.

City law enforcement officers, code enforcement officers, and those employees otherwise duly delegated and vested with enforcement authority all shall enforce the provisions of this Chapter and all rules and regulations adopted hereunder. In addition, mailing by certified mail of such citations, complaints, informations or notices or other process to the last known place of residence of a period charged shall be deemed as personal service upon that person. The City shall also have the authority to contract with the Department of Ecology for purposes of providing litter control/enforcement services and personnel reasonably necessary to carry out the enforcement provisions of State law.

8.32.040 Littering prohibited - Penalties.

A. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in the City not owned by him or her or in the waters of this City whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

1. When such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

2. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements

upon any part of said private or public property or waters.

B. Any person violating the provisions of this Section shall be guilty of a misdemeanor punishable by a maximum fine not to exceed five hundred dollars (\$500.00), provided that the fine or bail forfeiture for such violation shall not be less than fifty dollars (\$50.00) for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of the execution of sentence.

8.32.050 Notice to public - Contents of Chapter - Required.

Pertinent portions of this Chapter, or pertinent notices, may be posted along the public streets and highways of the City and at all entrances to City parks, recreational areas, at all public beaches, and at all other public places in the City where persons are likely to be informed of the existence and content of this Chapter and the penalties for violating its provision.

8.32.060 Litter receptacles- Distribution - Placement - Violations - Penalties.

A. Litter receptacles shall be of an appropriate size and design pursuant to standards adopted by the City or by the State Department of Ecology, and shall bear an anti-litter symbol as designed and adopted by the State Department of Ecology, or other suitable identification as a litter receptacle.

B. Litter receptacles of the appropriate size and design, pursuant to City or State standards, shall be placed along the public streets and highways of this City and shall further be placed at all parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, boat launching areas, beaches and bathing areas and at such other public places within the City as may be specified by rule or regulation adopted by the City Manager, or designee.

C. It shall be the responsibility of any persons owning or operating any establishments or public places in which such litter receptacles are required by this Section to procure and place such receptacles at their own expense on the premises.

D. Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the City, violating the provisions of this Section or rules or regulations adopted thereunder, shall be subject to a fine of twenty dollars (\$20.00) for each day of violation.

8.32.070 Litter bags - Violations - Penalties.

The owner of any vehicle who fails to keep and use a litter bag in his or her vehicle shall be guilty of a violation of this Section and shall be subject to penalties as provided in this Chapter. The City encourages use of the standard litter bag designed and distributed by the State Department of Ecology.

8.32.080 Removal of litter - Responsibility.

Responsibility for the removal of litter from receptacles placed on private or public property which is used by the public shall remain the responsibility of the owner or operator of such property.

8.32.090 Coordination with the Department of Ecology.

The City shall coordinate with and shall support the efforts of the State Department of Ecology in accomplishing local anti-litter efforts; shall, together with the Department of Ecology, encourage, organize and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of the State and City to control and remove litter; and to investigate the availability of, and to apply for funds available from any private or public source to be used in programs to control and remove litter.

8.32.900 Violations - Penalties.

Every person convicted of a violation of this Chapter for which no penalty is specially provided for shall be punished by a fine of not more than fifty dollars (\$50.00) for each violation.

SECTION 2. GENERAL SEVERABILITY.

That if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstances shall not be affected.

SECTION 3. EFFECTIVE DATE.

That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 16th day of January, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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