

Chapter 8.22

LITTERING

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8.22.010 Citation of Ordinance. This chapter shall be known and may be cited as the "City of Lincoln Anti-Litter Ordinance." (Ord. 15557 §1; May 14, 1990: P.C. §9.66.010; Ord. 8622 §1; December 28, 1964).

8.22.020 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

Aircraft shall mean any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air. Aircraft shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle shall mean a litter storage and collection receptacle as required and authorized by the city.

Commercial handbill shall mean 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 which proposes a commercial transaction and as a whole relates solely to the economic interests of the publisher and its audience.

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

Handbill shall mean 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.

Litter shall mean garbage, refuse, and rubbish, as defined herein, and all other waste material.

Newspaper shall mean 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, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

Non-commercial handbill shall mean 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, but not including citations or parking tickets issued by authorized law enforcement officers in the course of their official duties.

Park shall mean a park, reservation, playground, beach, recreation center, or any other public area of the city, owned or used by the city and devoted to active or passive recreation.

Private premises shall mean any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or 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 shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish shall mean nonputrescible 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.

Vehicles shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. (Ord. 15557 §2; May 14, 1990: P.C. §9.66.020: Ord. 10684 §1; February 12, 1973: prior Ord. 8622 §2; December 28, 1964).

8.22.030 Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk, skywalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps. (Ord. 15557 §3; May 14, 1990: P.C. §9.66.030: Ord. 13493 §1; November 8, 1982: prior Ord. 8622 §3; December 28, 1964).

8.22.040 Placement of Litter in Receptacles to Prevent Scattering.

Persons placing litter in public receptacles or in authorized private 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 private property. (Ord. 15557 §4; May 14, 1990: P.C. §9.66.040: Ord. 8622 §4; December 28, 1964).

8.22.050 Sweeping Litter into Gutters 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. (Ord. 15557 §5; May 14, 1990: P.C. §9.66.050: Ord. 8622 §5; December 28, 1964).

8.22.060 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. (Ord. 15557 §6; May 14, 1990: P.C. §9.66.060: Ord. 8622 §6; December 28, 1964).

8.22.070 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. (Ord. 15557 §7; May 14, 1990: P.C. §9.66.070: Ord. 8622 §7; December 28, 1964).

8.22.080 Truck Loads 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. Nor shall any person 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. (Ord. 15557 §8; May 14, 1990: P.C. §9.66.080: Ord. 8622 §8; December 28, 1964).

8.22.090 Litter in Parks.

No person shall throw or deposit litter in any part of the city except in public receptacles and in such manner that the litter will not be 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 herein. (Ord. 15557 §9; May 14, 1990: P.C. §9.66.090: Ord. 8622 §9; December 28, 1964).

8.22.100 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 or in any city property outside the city. (Ord. 15557 §10; May 14, 1990: P.C. §9.66.100: Ord. 8622 §10; December 28, 1964).

8.22.110 Throwing or Distributing Commercial Handbills in Public Places.

No person shall throw or deposit any handbill in or upon any sidewalk, street, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. (Ord. 15557 §11; May 14, 1990: P.C. §9.66.110: Ord. 8622 §11; December 28, 1964).

8.22.120 Placing Handbills on Vehicles.

No person shall throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. 15557 §12; May 14, 1990: P.C. §9.66.120: Ord. 8622 §12; December 28, 1964).

8.22.130 Depositing Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any handbill in or upon any private premises which are uninhabited. (Ord. 15557 §13; May 14, 1990: P.C. §9.66.130: Ord. 8622 §13; December 28, 1964).

8.22.140 Distribution of Handbills Where Signs Posted.

No person shall throw, deposit, or distribute any handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "no trespassing," "no peddlers or agents," "no advertisement," or any similar notice indicating in any manner that the occupants of said premises do not desire to have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 15557 §14; May 14, 1990: P.C. §9.66.140: Ord. 8622 §14; December 28, 1964).

8.22.150 Distributing Handbill at Private Premises; Exemption.

No person shall throw, deposit, or distribute any handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, that, except where the premises are posted as provided in this chapter or where anyone upon the premises requests otherwise, a person may place or deposit any such handbill in or upon such private premises, if such handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag, or unventilated plastic bag no greater than six inches in width, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, or to newspapers (as defined herein) except that newspapers shall be placed on 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 other private property. (Ord. 15557 §15; May 14, 1990: P.C. §9.66.150: Ord. 11067 §1; April 8, 1974: prior Ord. 8622 §15; December 28, 1964).

8.22.160 Dropping Litter From Aircraft.

No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (Ord. 15557 §16; May 14, 1990: P.C. §9.66.160: Ord. 8622 §16; December 28, 1964).

8.22.170 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 lamp post, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. 15557 §17; May 14, 1990: P.C. §9.66.170: Ord. 8622 §17; December 28, 1964).

8.22.180 Litter on Occupied Private 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. (Ord. 15557 §18; May 14, 1990: P.C. §9.66.180: Ord. 8622 §18; December 28, 1964).

8.22.190 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. (Ord. 15557 §19; May 14, 1990: P.C. §9.66.190: Ord. 8622 §19; December 28, 1964).

8.22.200 Litter on 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. (Ord. 15557 §20; May 14, 1990: P.C. §9.66.200: Ord. 8622 §20; December 28, 1964).

8.22.210 Penalty for Violations.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$100.00, or be imprisoned in the county jail for a period not exceeding six months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 15557 §21; May 14, 1990: P.C. §9.66.210: Ord. 8622 §21; December 28, 1964).