

DUBACH ORDINANCE NO. 308 D

An ordinance to provide for a prohibition against littering, litter removal by the Town of Dubach, and the recovery of the cost of litter removal.

PROHIBITION AGAINST LITTERING

Sec. 1 Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized private receptacle means a litter storage and collection receptacle.

Garbage means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Litter means all waste material, except as provided and defined in R.S. 30:2173(2), including, but not limited to, disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts, including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. Such term shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Such term shall also not include recyclable cardboard being transported in compressed bundles to processing facilities, as used in this definition, the term "agricultural product" means all crops, livestock, poultry and forestry, and all aquacultural, floricultural, horticultural, silvicultural and viticultural products.

Park means a park, reservation, playground, beach, recreation center or any public area within the Town which is owned by the Town and devoted to active or passive recreation.

Private property means any dwelling, house, building or other structure designed or used, in whole or in part, for private residential purposes, or any commercial establishment, building or structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walks, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, commercial establishment or other structure.

Refuse means all putrescible and nonputrescible solid waste, except body waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

Rubbish means nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, property and similar material.

Sec. 2 Public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town, except in public receptacles or authorized private receptacles for collection.

Sec. 3 Method of placement of litter in receptacles.

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

Sec. 4 Property owner's and occupant's duty to keep sidewalks free of litter.

(a) No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot, or public or private sidewalk or driveway.

(b) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Sec. 5 Merchant's duty to keep sidewalks free of litter.

(a) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot, or public or private sidewalk or driveway.

(b) Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their premises free of litter.

Sec. 6 Litter thrown by persons in vehicle, prima facie evidence.

(a) While a driver or passenger in a motor vehicle, no person shall throw, deposit, drop or dump litter upon any street or public place within the Town or upon private property.

(b) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or other conveyance in violation of this section, it shall be prima facie evidence that the registered owner of such motor vehicle or other conveyance shall have violated this article.

Sec. 7 Trucks causing litter.

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

Sec. 8 Litter in parks.

No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposit 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.

Sec. 9 Litter in streams, lakes, fountains, ponds and other bodies of water; dumping in stream or channel carrying surface water.

(a) No person shall throw or deposit litter in any stream, lake, fountain, pond or any other body of water located in a park or elsewhere within the Town.

(b) Dumping any material in a stream or channel which regularly or periodically carries surface water is prohibited.

Sec. 10 Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the Town, whether or not the property is owned by such person, except that the owner or person in control of the private property may maintain authorized private receptacles for litter collection in a manner so that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or private property.

Sec. 11 Owner or person in control to maintain private property free of litter.

The owner or person in control of any private property shall maintain the premises free of litter at all times; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 12 Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the Town, whether or not such property is owned by such person.

Sec. 13 Oil or gasoline leakage on streets.

No person shall operate, stop, station or stand any vehicle while the carburetor, tank or other appliance for containing oil or gasoline of such vehicle is in a condition so as to permit oil or gasoline to run, leak, drip or fall upon any street or alley.

Sec. 14 Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the Town any litter, handbill or other object.

Sec. 15 Dumping of concrete and/or cement derivatives.

(a) No person shall dump, deposit, litter or dispose of concrete and/or cement derivatives in or on sewer drains, drainage canals, culverts, street gutters, streets, roads, rights-of-way, drainage ditches or any public property of the Town.

(b) No person shall clean a cement truck, thereby depositing concrete and/or cement derivative residue on a ground in or on any sewer drains, drainage canals, street gutters, culverts, streets, roads, public rights-of-way, drainage ditches or any public property of the Town, except in areas designated as a proper dumping site by the Mayor.

Sec. 16 Abatement by the Town.

Where a premises is in violation of any section of this article, the Mayor or his designee is empowered to enter upon the premises and correct, or cause to be corrected, the unclean conditions; charge the property owner for such correction; and/or place a lien on such land in the same amount and in accordance with the procedure provided for abatement of unwholesome environmental conditions.

Sec. 17 Litter removal expense recovery by Town.

The Town is damaged by the depositing of litter within the Town, and the cost of litter removal has become a significant expense of the Town. It is intended that persons responsible for such litter removal expenses shall bear the cost of such expenses. In order to recover the cost of litter removal, the Town may bring a civil action against any person believed to be responsible for depositing litter and/or file liens against the property upon which such litter was removed.

Section 18

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Town of Dubach without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To this end, the provisions of this Ordinance are hereby declared severable.

All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of the Code of Ordinances or any regulation of the Town, the provisions of this Ordinance shall be deemed to control.

This Ordinance shall become effective upon signature of the Mayor.

This Ordinance was introduced on MAY 18, 2009 by Council member Mary Billberry Notice of Public Hearing having been published on MAY 20, 2009 and said Public Hearing having been held, the title having been read and the Ordinance considered, on motion to adopt by Council member DAVIE POWELL, seconded by Council member Mary Billberry, a record vote was taken and the following result was had:

YEA: Mary Billberry
YALLIE CARRICO
HATTIE GRAHAM
DAVIE POWELL
B.C. SPARKS

NAY: NONE

ABSENT: NONE

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 15 day of June, 2009.

ATTEST:

Justina Hensley
TOWN CLERK

Margaret Rosen
MAYOR