

CHAPTER 9

LITTER AND WEED CONTROL

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5-9-1: PURPOSE: The accumulation of waste, refuse, trash, garbage, rubbish, litter and other deleterious substances upon public and private property and in streets and alleys within the City detracts from the appearance of the City and reduces property values. The accumulation of such waste also increases the spread of contagious diseases and infections, and creates a health and safety hazard to children. It is necessary for the preservation of health, safety, sanitation and the public welfare that proper and adequate regulations be adopted to require property owners, tenants and all persons having control of real property and the storage, disposal and accumulation of waste, to remove and dispose of such waste in the manner specified in this chapter.

5-9-2: DEFINITIONS: For the purposes of this chapter, certain terms shall have the meanings ascribed below:

AIRCRAFT: Any craft designed for navigation or flight in air.

GARBAGE: Any waste resulting from the preparation, cooking, consumption or handling of food or other edible substance, whether for human or animal consumption, including without limitation, waste from the handling, storage and sale of produce.

HANDBILL: Any printed or written matter, sample, circular, leaflet, pamphlet, booklet, or any other printed literature of any kind.

JUNK: Any waste consisting of any mechanical appliance, vehicle, machinery, equipment or apparatus, or any parts therefrom, including without limitation, all non-functional appliances, automobiles, automobile parts, recreational vehicles, boats, snowmobiles, motorcycles, farming and construction equipment.

LITTER: Garbage, junk, refuse and weeds as defined herein.

OCCUPANT: Any person having control, possession or charge over real property.

OWNER: Any person having a fee ownership in real property.

REFUSE: All waste of any kind or nature, including, but not limited to, handbills, newspapers, papers, cartons, boxes, barrels, wood, brush, weeds, branches, yard trimmings, leaves, dead trees, furniture, bedding, tin cans, metals, bottles, ashes, clinkers, automobile bodies and parts, appliances, broken glass, broken concrete, rock, crockery, mineral waste, street sweepings, industrial waste, sawdust, lumber scraps, shavings, animal carcasses, wire and plastics.

WASTE: Any material having little or no value beyond its value for recycling purposes, or any material for which there is no practical use other than for recycling, and which if placed or deposited as prohibited in this chapter is markedly offensive or unsightly, or which creates an offensive odor or is unsanitary or unsafe, attracts insects or rodents or in any way creates a public nuisance or health or safety hazard.

WEEDS: Any plant, growing or dead, more than ten inches in height, measured from the surface of the ground, except plants grown for ornamental purposes or for production of food for man or beast. Noxious plants, regardless of height, shall be considered weeds.

5-9-3: LITTER IN PUBLIC PLACES: No person shall throw or deposit litter in or upon any private property, canal right of way, public street, alley, sidewalk, park, right of way or upon any publicly-owned property within the City, except in receptacles designed therefor.

5-9-4: DEPOSIT OF LITTER IN RECEPTACLES: No person shall deposit litter in any receptacle in a manner which exceeds the capacity of such receptacle or which will create a likelihood of its being blown or carried by the elements upon any public place or private property.

5-9-5: DEPOSIT OF PETROLEUM PRODUCTS: No person shall pour or deposit oil or any other petroleum product upon any private property, canal right of way, public street, alley, sidewalk, park or other public property, provided nothing herein shall prevent the use of oil, asphalt or other petro-chemicals for the purpose of construction, maintenance or operation of a street or alley.

5-9-6: LITTERING FROM VEHICLES: No person shall throw, or permit to be thrown from any vehicle, any litter or handbills while a driver or passenger in a vehicle being operated upon a public street or alley.

5-9-7: DROPPING MATERIAL FROM AIRCRAFT: No person in any aircraft shall throw out any litter or handbills while flying over the City.

5-9-8: IMPROPER HAULING OF LITTER: It is unlawful for any person to haul litter, or otherwise operate a vehicle carrying litter, in any manner which causes litter to be deposited upon any public street, sidewalk or private property, or which creates a likelihood that litter will be blown, dropped or spilled therefrom.

5-9-9: POSTING NOTICES: No person shall post or affix any handbill upon any public utility pole, sign post, lamp post, telephone pole, shade tree or upon any public structure or building, except as may be expressly authorized or required by law.

5-9-10: POSTING HANDBILLS OR SIGNS: No person shall post or affix any handbill or sign to any building, structure, tree or appurtenance owned by any other person, without the consent of the owner or occupant thereof.

5-9-11: ACCUMULATION OF LITTER UPON PRIVATE PROPERTY: It shall be unlawful for any person owning or having control of private property within the City to deposit, store or allow the accumulation of litter upon such property, except:

- (A) The temporary storage or accumulation of construction debris or materials in a manner which prevents the same from being blown upon adjoining property, while a building or structure is being constructed upon the premises, or during remodeling or reconstruction thereof.
- (B) Upon any property owned or operated by any recycler, salvage dealer, or junk yard dealer licensed by the City, subject to all provisions and restrictions contained in any ordinance or statute governing the operation of such licensed business.

5-9-12: REMOVAL OF WEEDS: It shall be unlawful for any owner or
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occupant of any real property within the City to allow weeds to grow, exist or accumulate upon such real property.

5-9-13: SPECIAL ASSESSMENTS: Notwithstanding the imposition of any criminal fine, penalty or imprisonment, the City may, subject to the provisions of this section, remove any litter from any private property within the City and levy a special assessment against such property, for the reasonable costs of such removal. Prior to the removal of such litter, the City shall give notice in writing to the owner of such property, which notice shall state the street address of the property where the litter exists, and shall describe the nature and general location of the litter to be removed. Such notice shall give the owner and occupant of the property an opportunity to be heard before the City Council and to show cause, if any they have, why the City should not take such action to remove the litter and assess the costs. Such notice shall be not less than five (5) days prior to the date of the City Council hearing. Such notice shall further state that if such litter is not removed within fifteen (15) days from the date of the notice or within five (5) days following the date of hearing, and the City Council finds that there is a cause to remove such litter and to abate such nuisance, that the City shall do so if the owner or occupant does not undertake such action at any time after such hearing and subsequent to fifteen (15) days after the notice is given. Such notice shall be personally served upon any occupant, if any, of the property wherein the litter is located, and shall be mailed by certified mail, return receipt requested, postage prepaid, to the owner of the property at the address listed upon the real property assessment rolls of Bingham County. Such notice shall be deemed to be delivered upon its physical delivery and deposit into the United States mail, as set forth above. If the owner or occupant fails to remove the litter within the time specified in the notice, the City may order the removal of the litter and cause a Notice of Special Assessment to be mailed to the owner of the property in the manner set forth above. The Notice of Special Assessment shall state the amount to be assessed on account of the costs of removing the litter, the name and record address of the owner of the property to be assessed, and the legal description of such property. Such notice shall also state that if the assessment is not paid within thirty (30) days, the assessment will be placed on the real property tax rolls and will become a lien against such property. If the assessment is not paid within thirty (30) days after mailing of the Notice of Assessment, the same shall be declared delinquent and may be certified to the Bingham County assessor by the City Clerk, not later than the 1st day of August of each year. Upon such certification, the assessment shall be placed upon the tax roll and shall thereafter become a lien against the property described in the notice and shall be collected in the same manner and subject to the same penalties as are lawfully allowed for other real property taxes. All monies received on account of such special assessment shall be held by the City Treasurer in a special fund to be applied to the payment of the costs of such removal and the money shall be used for no other purpose except to reimburse the City for all amounts expended in removing such litter or weeds.