

## LITTER AND LITTERING

DEFINITIONS (specific to this Litter and Littering regulation)

Please refer to Article 2 of the Zoning Regulations for general definitions.

*For the purposes of this Regulation the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word 'shall' is always mandatory and not merely directory.*

Aircraft is any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. The word 'aircraft' shall include helicopters and lighter-than-air dirigibles and balloons.

Beneficial fill as defined by Title 132 shall mean the use of uncontaminated sand, gravel, stone, soil, rock, brick, concrete rubble, asphalt rubble, or similar material, or some combination thereof, for the purpose of erosion control, erosion repair, channel stabilization, landscaping, road bed preparation or other land improvement. Concrete rubble shall be broken into pieces of a size less than one (1) foot in diameter to avoid significant voids. As defined here, beneficial fill is generally not an acceptable substitute for components of engineered stormwater best management practices.

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

Litter is 'garbage', 'refuse', and 'rubbish' as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Park is a park, reservation, playground, beach, recreation center or any other public area in the County, owned or used by the County and/or others and devoted to active or passive recreation by the general public.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Private Premises is 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 is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.

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Refuse is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, industrial wastes, building, construction, and demolition debris except that defined as beneficial fill material.

Rubbish is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yards clipping, leaves, wood, glass, bedding, crockery, concrete, asphalt, and similar materials.

Vehicle is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

## **LITTER IN PUBLIC PLACES**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the County except in public receptacles, in private receptacles for collection, or in officially licensed municipal solid waste landfills.

## **PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING**

Persons placing litter in public receptacles or private receptacles shall do so in such a 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.

## **SWEEPING LITTER INTO GUTTERS PROHIBITED**

No person shall sweep into or deposit in any gutter, street or other public place within the County the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Consistent with the good housekeeping provisions of comprehensive stormwater management, public streets shall typically be swept at least twice per year to remove debris that would otherwise be transported by stormwater into the storm sewer system and receiving waters.

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

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### **DUTY TO KEEP SIDEWALKS FREE OF LITTER – PLACES OF BUSINESS**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the County of Douglas 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 County of Douglas shall keep the sidewalk in front of their business premises free of litter and shall keep outside service areas, parking facilities and premises free of litter and 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.

### **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 with the County of Douglas, or upon private property.

### **VEHICLE LOADS CAUSING LITTER**

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

Nor shall vehicles carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. The intent is to minimize pollutants that would be carried by stormwater from street or other impervious surfaces into the storm sewer system. The primary concern is for newly-developed and developing areas with construction activities.

For specific construction sites, an appropriate Stormwater Pollution Prevention Plan (SWPPP) shall identify the necessary best management practices that will preclude sediment and other substances from being tracked out of the construction site.

### **LITTER IN PARKS**

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

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### **LITTER DEPOSITED FROM AIRCRAFT**

No person in any aircraft shall throw out, drop or deposit within the County of Douglas any litter, handbill or any other object.

### **LITTER ON OCCUPIED PRIVATE PROPERTY**

No person shall throw or deposit litter on any occupied private property within the County of Douglas, whether owned by such person or not, except that the owner or person in control of private property may maintain 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.

### **OWNER TO MAINTAIN PREMISE 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.

### **LITTER ON VACANT LOTS**

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

### **BENEFICIAL FILL**

Beneficial fill as defined by Title 132 requires a permit issued by the Permits and Inspection Division with the approval of the Douglas County Health Department. If beneficial fill is to be placed in the Floodplain, a development permit is also required.

### **CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY COUNTY NOTICE TO REMOVE**

The Permits and Inspection Division is hereby authorized and empowered to notify the owner of any private property within the County of Douglas or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall specify that said litter shall be removed within a period of ten days from the receipt of said notice, in case the owner or agent of such owner shall fail to comply with said notice within the time specified, or an authorized agent of the County, may cause said litter to be removed at the expense of the owner of the land whereon said litter exists. The cost of such removal shall be levied, equalized, and assessed as are other special assessments.

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The notice provided for herein shall be deemed sufficiently served: By delivery of a copy thereof personally to the owner or agent of the owner of the property; or by leaving a copy thereof at the usual place of residence of the owner; or if the owner of the property is a non-residence of the County of Douglas, by causing the notice to be published for three (3) days in the official newspaper of the County of Douglas; provided, however, that when said notice is published as a aforesaid the owner shall have ten (10) days from the last day of publication within which to comply therewith.

## **SEVERABILITY**

If any section, clause provision or part or portion of any section, clause or provision of this Regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause provision or part or portion of this Regulation.

## **PENALTY FOR VIOLATIONS**

Any person, persons, firm, or corporation who violates, neglects or refuses to comply with, or who resists or opposes the enforcement of any of the provisions of this Regulation shall be guilty of a Class III misdemeanor according to Nebraska Revised Statutes Sec. 23-174. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.