

Chapter 217. Littering

[HISTORY: Adopted by the Common Council of the City of Burlington by Ord. No. 8-1997 (Ch. 8.24 of the 1996 Municipal Code). Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. **201**.

Property maintenance — See Ch. **265**.

Solid waste — See Ch. **300**.

Streets and sidewalks — See Ch. **306**.

Abandoned vehicles — See Ch. **340**.

Vehicles and traffic — See Ch. **344**.

§ 217-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER

Garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as required herein, tends to create a danger to public health, safety and welfare.

PERSON

As defined in § 1-15. For purposes of any fine, penalty or imprisonment the term "person" shall include the officer and directors of a corporation or other legal entity having officers and directors.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys, beaches or other public ways, and any and all public parks, squares, spaces, docks, grounds and buildings.

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH

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.

SOLID WASTE

Garbage, refuse and other discarded materials resulting from industrial, commercial or agricultural operations, or from domestic or community activities, and shall include all other waste materials, including liquids.

VEHICLE

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.

§ 217-2. Littering prohibited.

[Amended 7-21-2009 by Ord. No. 13-2009^[1]]

No person shall sweep, throw or deposit litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake, stream or other body of water within the City, except in public receptacles or in authorized private receptacles for collection. Persons placing litter in public receptacles or in authorized 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.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 217-3. Receptacles required.

The City shall provide litter receptacles at the linear quarter mile in active retail commercially zoned areas and in parks. Persons owning or controlling buildings held out for use by the public, including schools, government buildings and railroad and bus stations; drive-in restaurants; self-service refreshment areas; construction sites; gasoline service stations; shopping centers; parking lots; campgrounds; marinas, boat moorage and fueling stations; boat launching areas and other similar uses shall provide adequate litter receptacles. The sponsor of any special event to which the public is invited, such as sporting events, parades, carnivals and festivals, shall be responsible for providing adequate receptacles and providing for their servicing.

§ 217-4. 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 or into any sewer or catchbasin within the City or upon private property.

§ 217-5. 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.

§ 217-6. Transportation from outside City.

No person shall bring, remove, transport or collect any litter from outside the City or into the City for the purpose of dumping or disposing thereof, unless authorized by the City. No truck or other vehicle containing litter which has been transported into the City shall be parked or allowed to remain standing on any street in the City or any public property for a period in excess of two hours.

§ 217-7. Dumping of solid waste in unauthorized places prohibited.

No person shall discard or dump any household, commercial or industrial solid waste in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 217-8. Sweeping litter into gutters or other public places prohibited.

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter, street, sewer, catchbasin 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.

§ 217-9. Owner to maintain property litter free.

Each person owning any property, building or structure within the City shall keep and cause to be kept the sidewalk and curb abutting such property, building or structure and all areaways, backyards, court and alleys free from litter.

§ 217-10. Open or overflowing waste bins prohibited.

Open or overflowing commercial, industrial or residential waste disposal bins are prohibited.

§ 217-11. Violations and penalties.

The minimum penalty for violation of each section of this chapter, except § 217-7, is \$300. The minimum penalty for violation of § 217-7 is \$1,000. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. Any person convicted of a first offense under § 217-2 shall be subject to a minimum fine of \$224 payable through the City Violations Bureau.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*