

LITTER CONTROL ORDINANCE

COUNTY OF MASON, WASHINGTON

ORDINANCE NO. 25-88

AN ORDINANCE OF THE COUNTY OF MASON, WASHINGTON prescribing design and placement for litter receptacles; prohibiting damaging litter receptacles; providing for litter removal and mandatory litter bags; regulating litter control in public places, sidewalks, roads and private residences and property; regulating the distribution of handbills; prohibiting throwing of litter from vehicles, watercraft and aircraft; providing for litter control compliance and receptacles standards; prescribing enforcement officials and procedures; generally regulating and prohibiting litter; and providing penalties.

THE BOARD OF COUNTY COMMISSIONERS OF MASON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section One - Short Title. This Ordinance shall be known and may be commonly referred to as the "Litter Control Ordinance."

Section Two - Purpose. The purpose of this ordinance is to accomplish litter control in the county. This ordinance is intended to place upon all persons within unincorporated areas of the county, the duty of contributing to the public cleanliness of the county and appearance in order to promote the public health, safety and welfare and to protect the economic interests of the people of the county against unsanitary and unsightly conditions. It is further the intent of this ordinance to protect the people against the health and safety and the expense incident of littering.

Section Three - Definitions. A. Abandoned Vehicles: An abandoned vehicle shall mean any vehicle left within the limits of any public road or upon the property of another without the consent of the owner of such property for a period of twenty-four (24) hours or longer. PROVIDED, that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place that it is located and so notifies law enforcement officials and requests assistance.

B. Automobile Hulk: An automobile hulk shall mean the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts of labor to effect repairs.

C. Disposal Site or Disposal Facility: A place or location where the final treatment, utilization, processing or deposition of liquid or solid waste occurs.

D. Garbage: All putrescible material, including but not limited to, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, and swill and carcasses of dead animals.

E. Litter: All material, including, but not limited to, disposable packages or containers thrown or deposited as herein prohibited, but not including the wastes of the primary process of mining, logging, sawmilling, farming and manufacturing.

F. Littering: The throwing, dropping, depositing, discarding or otherwise disposing of litter upon any public property in the County or upon private property or in the waters of this County, whether from a vehicle or otherwise. Such property includes, but is not limited to, any public highway, public park, beach, campground, forest land, recreation area, trailer park, highway, road, street, or alley.

G. Minimum Functional Standards: The criteria for solid waste handling expressed in terms of accepted performance standards as adopted by the State of Washington, pursuant to RCW 70.95.

H. Nuisance: Unlawfully doing an act or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health, or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct any lake or navigable river, bay stream, canal or basin, or any public park, square, street, or highway.

I. Person: An individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

J. Sanitary Landfill: A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operations or at such more frequent intervals as may be required.

K. Solid Waste: All putrescible and non-putrescible solid and semi-solid wastes such as, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

L. Transfer Station: A fixed, supplemental, collection, transportation and disposal facility used by persons and route collection vehicles to deposit solid waste into a larger vehicle for transport to the disposal site.

M. Waste: Any discarded solid, liquid or gaseous substances that are harmful to the public health or environment regulated in this ordinance.

Section Four - Litter in General. No person, shall throw, drop, deposit, discard or otherwise dispose of litter, as that term is defined in RCW 70.93.030(4) and including abandoned or discarded automobiles and discarded appliances, upon any public place in the county or upon any private property not owned by him; PROVIDED that this ordinance shall not be construed to allow the accumulation of litter on private property that is owned by the person that would constitute a risk to public health or damage to the environment, or in any waters within the jurisdiction of the county whether from a vehicle or otherwise, including but not limited to any sidewalk, road, alley, highway, or park, except:

(1) When such property is designated by the state or by any of its agencies or the county for disposal of garbage and refuse, and such person is authorized by the property public authority to so use such property; or

(2) Into a litter receptacle or other container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said public place or any private property; or

(3) When such person is owner or does have control or possession of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance, risk to public health, damage to the environment, or be in violation of any other state or local laws, rules or regulations.

Section Five - Disposition of Abandoned Vehicles and Automobile Hulks. The Sheriff of Mason County is hereby authorized to declare any abandoned vehicle or automobile hulk or parts therefrom on private property in the unincorporated areas of Mason County, not including state and federal highways, to be a public nuisance. Such vehicle or hulk shall be removed and impounded at the direction of the Sheriff, pursuant to RCW 46.52.

Section Six - Violations.

(1) Civil Penalties. Any person who violates the provisions of this ordinance shall be subject to a penalty in the amount of not less than FIFTY (\$50.00) DOLLARS and not more than TWO HUNDRED FIFTY (\$250.00) DOLLARS.

(2) Misdemeanor. In addition to the penalty imposed in subsection (1) above, any person who violates any provision of this ordinance more than two (2) times shall be guilty of a misdemeanor, upon conviction thereof shall be punished by a fine of not less than FIFTY (\$50.00) DOLLARS.

In addition thereto, except where infirmity or age would prevent the person from so doing, any such person shall be directed by the court in which the fine is levied to pick up and remove litter from public property, and/or private property, with prior permission of the legal owner, for not less than eight (8) hours nor more than sixteen (16) hours for each separate offense.

The court shall schedule the time to be spent on such activities in such a manner that does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities.

Section Seven - Enforcement Officers and Procedures. Enforcement of this ordinance shall be by the Mason County Sheriff's Office. All such Sheriff's Office enforcement officers are empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this ordinance. Said enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged.

Section Eight - Placement of Litter Receptacles.

(1) Litter receptacles shall be placed by the local municipality, shall be placed by other agencies or placed by persons owning or maintaining the same, in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need pursuant to WAC 173.310.050.

(2) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such state regulations.

Section Nine - Use of Receptacles. Litter, receptacles placed on sidewalks and other public places shall be used only for such litter and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.

Section Ten - Damaging Receptacles. It shall be unlawful for any person to willfully damage or deface any litter receptacle.

Section Eleven - Removal of Litter. It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter receptacles placed in parks, beaches, campgrounds, and other public places.

Section Twelve - Mandatory Litter Bags. The owner and person in possession of all vehicles or watercraft shall keep a litter bag in said vehicle or watercraft at all times.

Section Thirteen - Sweeping Litter Into Gutter Prohibited. No person shall sweep into or deposit in any gutter, culvert, road, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

Section Fourteen - Throwing or Distributing Handbills in Public Places and on Uninhabited or Vacant Property. No person shall throw or deposit any handbill upon any public place or in or upon any uninhabited or vacant private property within the county. Provided, however, that it shall not be unlawful, for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it or to provide public notice of an event or action by posting a notice provided the person posting such notice shall be responsible for removal after the action or event notified in a timely manner.

Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property.

Section Fifteen - Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any public place or upon any private property.


Section Sixteen - Depositing Handbills on Uninhabited or Vacant Property. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.

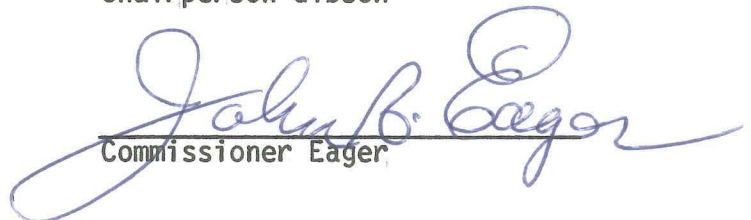
Section Seventeen - Severability. If any section, word or words of this ordinance is found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the remaining portions of this ordinance.

Section Eighteen - Interpretation. In the event any other county ordinance, whether or not codified, is in conflict with any of the terms of this ordinance the more stringent shall be construed as applicable.

ADOPTED this 8th day of March, 1988.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Chairperson Gibson

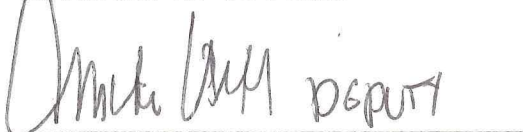

Commissioner Eager


Commissioner McGee

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney