

ORDINANCE NO. 256

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADOPTING THE STATE UNIFORM LITTER CONTROL CODE ORDINANCE AS RECOMMENDED BY THE STATE DEPARTMENT OF ECOLOGY; 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, STREETS AND PRIVATE RESIDENCES AND PROPERTY; REGULATING THE DISTRIBUTION OF COMMERCIAL AND NONCOMMERCIAL HANDBILLS; PROHIBITING THROWING OF LITTER FROM VEHICLES, WATERCRAFT AND AIRCRAFT; PROVIDING FOR CITY INSPECTIONS FOR LITTER CONTROL COMPLIANCE AND RECEPTACLES; PRESCRIBING ENFORCEMENT OFFICIALS AND PROCEDURES; GENERALLY REGULATING AND PROHIBITING LITTER; AND PROVIDING PENALTIES.

The City Council of the City of Granite Falls, Washington, DO ORDAIN AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known and may be commonly referred to and cited as the "Uniform Litter Control Code".

Section 2. Definitions. As used in this uniform litter control code, unless the context clearly indicates otherwise, the following terms have the following meanings. All words used in the present tense include the future and past tense; all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" means the City of Granite Falls, Washington.
- (2) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter literature, excluding NEWSPAPERS:

- (a) Which advertises for sale any merchandise product, commodity, or thing; or

- (b) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) Which directs attention or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; PROVIDED, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

(d) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(3) "Highway" for the purpose of this ordinance is synonymous with and includes STREET, ROAD and ALLEY.

(4) "Litter" means all solid wastes including but not limited to containers, packages, wrapping, printed matter or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

(5) "Liter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for LITTER inside the vehicle or watercraft of any person.

(6) "Litter receptacle" means those containers meeting minimum requirements of State Regulations of the State Department of Ecology.

(7) "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(8) "Non-commercial handbill" is any printed or written matter, any sample, or device, didger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park" is a park, reservation, playground, beach, recreation center or any other area in the city, devoted to active or passive outdoor recreation.

(10) "Person" is any individual, political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm or other entity, whatsoever.

(11) "Private residence" shall mean any privately owned yard, grounds, walk, driveway, dwelling, house, building or other structure, including appurtenant porches, steps or vestibules, used or designed either wholly or in part for private residential purposes, whether single family, duplex or multiple, and whether inhabited or temporarily or continuously uninhabited or vacant.

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

(13) "Road" for the purpose of this ordinance is synonymous with and includes street, highway and alley.

(14) "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(15) "State regulations" means the regulations duly promulgated and adopted by the state department of ecology pursuant to Chapter 34.04 RCW and codified or prepared for codification as part of the Washington Administrative Code, copies of the applicable portions of which are attached hereto as Exhibit "A" and by this reference are incorporated herein as if set forth in full.

(16) "Street" for the purpose of this ordinance is synonymous with and includes road, highway and alley.

(17) "Vehicle" includes every device capable of being moved upon a public street and in, upon, or by which any person or property is or may be transported or drawn upon a public street, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(18) "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

Section 3. Litter in general. No person shall throw, drop, deposit, discard or otherwise dispose of litter upon any street, alley, sidewalk or any other public place in the City or upon a private residence or other private property not owned by him, or in any waters within the jurisdiction of the city whether from a vehicle or otherwise, except:

(1) When such property is designated by the State or by any of its agencies or the city for the disposal of garbage or refuse, and such person is authorized by the proper 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, private residence or other private property; or

(3) When such person is the owner or does have control or custody 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 or be in violation of any other state or local laws, rules or regulations.

PENALTY Any person violating the provisions of this Section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of the court, such person may be directed by the court to pick up and remove from any public place or any private residence or other property, with permission of the legal owner or other person having legal possession, upon which it is established by competent evidence that such person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

Section 4. Placement of litter receptacles.

(1) LITTER RECEPTACLES shall be placed in all parks, trailer parks in respect to the service of transient habitation, 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 as specified by State Regulation.

(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.

(3) Penalty. Any person who fails to place such litter receptacles on the premises in the numbers and design required by State Regulation, violating the provisions of this Section, shall be subject to a fine of ten dollars for each day of violation.

Section 5. Use of Receptacles.

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

(2) Litter receptacles placed on sidewalks and other public places shall be used only for such litter materials as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.

Section 6. Damaging Receptacles. It shall be unlawful for any person to willfully damage or deface any litter receptacle of another person.

PENALTY. Upon conviction for such violation such violator shall be subject to a fine of One Hundred Dollars for each such violation

Section 7. 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 8. Mandatory Litter Bags. The owner and person in possession of all vehicles or watercraft shall keep and use a litter bag in said vehicle or watercraft at all times which litter bag shall be maintained in such vehicle or watercraft in a place in which the same may be viewed from the outside of such vehicle or watercraft whether or not said vehicle or watercraft is locked or otherwise secured from entry.

Section 9. Sweeping Litter Into Gutter Prohibited. No person shall sweep into or deposit in any gutter, street, alley or other public place 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 sidewalks in front of their premises free of litter.

Section 10. Merchants' Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place 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 city shall keep the sidewalk in front of their business premises free of litter.

Section 11. Owner to Maintain Premises Free of Litter. The owner or person in control of any private residence or other private property shall at all times maintain the premises free of litter.

Section 12. Throwing or Distributing Commercial Handbills in Public Places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 13. Placing Commercial and Non-commercial Handbills on Vehicles. No person shall throw or deposit any

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commercial or non-commercial handbill in or upon any vehicle. Provided however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Section 14. Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Property. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private residence or other private property which are temporarily or continuously uninhabited or vacant.

Section 15. Prohibiting Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private residence or other private property, if requested by anyone thereon not to do so, or if there is placed on said residence or property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any matter that the occupants of said residence or property do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

Section 16. Distributing Commercial and Non-commercial Handbills at Inhabited Private Residences. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private residence which is inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private residence. Provided however, that in case of inhabited private residence which is not posted, as provided in this ordinance such person unless requested by anyone upon such residence not to do so, may place or deposit any such handbill in or upon such inhabited private residence, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such residence or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal Postal Law or Regulations.

(a) Exemption from Mail and Newspapers. The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except

that newspapers shall be placed on private residence or other private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private residences or other private property.

Section 17: Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any street or other public place or upon any private residence or private property.

Section 18: Vehicle Loading. (1) No vehicle shall be driven or moved on any public street unless such vehicle is so construed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand or gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

(2) Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street shall immediately cause said public street to be cleaned of all such glass or other objects and shall pay any cost therefore.

Section 19: City Inspections for Litter Receptacles.

(1) At such times as the fire department or other local fire control agency makes routine or other fire inspections within the city, it shall also be the duty of the fire department to inspect all such inspected premises to assure compliance with the requirements for placing and maintaining litter receptacles as required by this ordinance. In the event violation of this ordinance is found, members of the fire department are authorized to issue citations and the other legal process authorized in this ordinance as in the case of police and other law enforcement personnel.

(2) The building department shall not approve occupancy, of any building, structure or other improvement for new construction or modification to any existing building, structure or other improvement for which a building permit is required nor give final inspection approval to any building, structure or other improvement, until litter receptacles as herein required have been set in place on the subject property. In the event violations of this ordinance are found, members of the building department are authorized to issue citations and other legal process authorized in this ordinance as in the case of police and other law enforcement personnel.



any of the terms of this ordinance the more stringent shall be construed as applicable.

Section 24: Penalties. Every person convicted of a violation of this ordinance for which no penalty is specifically provided within the specific section violated shall be punished by a fine of not more than ten dollars for each such violation. Each day that such violation continues shall be considered a separate offense.

PASSED by the Town Council of the Town of Granite Falls, Washington, on the 12th day of September, 1973.

ROBERT N. TOMPKINS, Mayor

ATTEST:  
ILENE LARSON  
Town Clerk