

ORDINANCE NO. 338

CITY OF CRAIG

REPEALING CRAIG MUNICIPAL CODE CHAPTER 8.05
ENTITLED "LITTER CONTROL", AND ENACTING
A NEW CHAPTER NUMBERED 8.10 AND ENTITLED "ANTI-LITTER"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Repeal. Chapter 8.05, entitled "Litter Control" is hereby repealed.

Section 5. Enact. A new Chapter, Chapter 8.10 of the Craig Municipal Code, entitled "Anti-Litter", is hereby enacted. Said new chapter shall read as follows:

"8.10.010 Short Title. this chapter shall be known and may be cited as the "Craig, Alaska, Anti-Litter Ordinance."

8.10.020 Definitions. For the purposes of this chapter 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.

(a) "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air.

(b) "Authorized private receptacle" is a litter storage and collection receptacle which is fitted with a tight cover; kept tightly covered at all times except when necessary to place litter therein or remove litter therefrom; and from which the litter is removed and properly disposed of once a week or oftener. Such receptacle must be strong, watertight, not easily corrodible, rodent proof and insect proof.

(c) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printer or otherwise reproduced original or copies of any matter of literature:

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

(2) 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

(3) Which directs attention to 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 kinds, 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 a license is or may be required by law of this state, or under any ordinance of this city; or

(4) Which, while containing reading matter other than advertising matter, is predominately 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.

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

(e) "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to be offensive, noxious or creates a danger to public health, safety or welfare.

(f) "Minor Littering Violation" is a violation of this Chapter involving littering having an aggregate weight of one-quarter (0.25) pounds or less.

(g) "Municipality" is the city of Craig, Alaska.

(h) "Newspaper" is any newspaper of general circulation as defined by general law, andy newspaper duly entered with the Post Office Department of the United States, in accordance with federal statue 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.

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

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

(k) "Person" is any person, firm, partnership, association, corporation, company, political subdivision or organization of any kind.

(l) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, junked vehicles, abandoned vehicles and solid market and industrial wastes.

(m) "Rubbish" is nonputrescible solid wastes consisting of both combustibile and noncombustibile wastes, such as paper, wrappings, packing materials including but not limited to styrofoam pellets, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, construction or demolition waste, mud, dirt, sticky substances, foreign matter, and similar materials.

(n) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon highways, roads, or trails, including devices for off-highway use.

(o) "Junked vehicle" means a wrecked, inoperable, or partially dismantled vehicle whether ownership is ascertained or not, found on public or private land within a city, and of a value of fifty dollars or less.

8.10.030 Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the municipality except in public receptacles, in authorized private receptacles for collection, or in a disposal area designated by the municipality.

8.10.040 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 upon private property) within the municipality.

8.10.050 Litter in parks. No person shall throw or deposit litter in any park within the municipality except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements, birds, animals or otherwise upon any part of the park or upon any street or other public place. Where the 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.

8.10.060 Litter in lakes and fountains. No person shall throw or deposit litter in any lake, stream, bay or any other body of fresh or salt water within the municipality.

8.10.070 Truck loads causing litter. (a) No person shall drive or move any truck or other vehicle within the municipality unless such vehicle is so constructed or loaded as to prevent its 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 municipality, the wheels or tires of which carry litter onto or deposit in any street, alley or other public place.

(b) Any person in charge of operating any truck or other vehicle having knowledge of his truck or vehicle causing litter to be deposited within the municipality shall immediately take all necessary steps to cease such littering and cause to be removed all litter which was deposited as a result of the operation, of the truck or other vehicle it was his charge to operate.

(c) Any person in charge of operating any truck or other vehicle having knowledge of such truck or other vehicle causing litter to be deposited within the municipality who is unable, for any reason except that person's personal injury, to immediately cease such littering and cause it to be removed shall immediately report such littering to the city administrator or any other agent designated by the municipality. Removal of such litter may then, if deemed in the public interest, be removed at the expense of the owner or operator of the truck or other vehicle causing the litter. Such removal or cleanup shall be to the satisfaction of the city administrator or the city administrator's agent.

8.10.080 Dropping litter from aircraft. No person in an aircraft shall throw out, drop or deposit within the municipality any litter or handbill.

8.10.090 Litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the municipality whether

owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements, birds, animals or otherwise upon any street, sidewalk or other public place or upon any private property.

8.10.100 Owner to maintain premises 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.

8.10.110 Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the municipality whether owned by such person or not.

8.10.120 Clearing litter from public or private property by municipality. (a) Notice to Remove. The mayor or the mayor's designee is authorized and empowered to notify the owner of any private property within the municipality or the agent of such owner to properly dispose of litter located on public property or on such owner's property. such notice shall be by registered mail, addressed to the owner at his last known address. If the owner is not known or the notice is returned because of inability to make delivery thereof, notice of the intended removal shall be published once in a newspaper of general circulation in the city.

(b) Action upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter within ten days after receipt of written notice provided for in subsection (a) above, or within ten days after the date of such publication of such notice in the event the same is returned to the municipality because of inability to make delivery thereof, or the owner is unknown, the mayor or the mayor's designee is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the municipality.

(c) Charge to be Billed. When the municipality has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight percent per year from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property and forwarded to such owner by the municipality, and said charge shall be due and payable by the owner within twenty-five days thereafter.

8.10.130 Sweeping or depositing litter in gutters, streets or other public places prohibited. No person shall sweep into or deposit in or on any gutter, street or other public place within the municipality the accumulation of litter from any building or lot or from any public or private driveway or sidewalk. Persons owning or occupying property shall keep the sidewalk adjoining their premises free of litter.

8.10.140 Merchants' duty to keep sidewalks free of litter. (a) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the municipality the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. (b) Persons owning or occupying places of business within the municipality shall keep the sidewalk adjoining their business free of litter, mud and dirt.

(c) Persons owning or occupying places of business within the municipality, which places of business sell or make available for sale products for immediate use or consumption, shall place litter receptacles at or near said places of business at the persons' own expense and shall, at the persons' own expense, be responsible for the proper upkeep, maintenance and repair of such litter receptacles and for the removal of litter from those litter receptacles.

8.10.150 Placement of litter in receptacles to prevent scattering. Person 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, birds, animals or otherwise upon any street, sidewalk or other public place or upon private property. Public litter receptacles shall not be used for the depositing of household litter, dead animals or other putrescible matter.

8.10.160 Throwing or distributing commercial handbills in public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the municipality. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it is not unlawful on any sidewalk, street, or other public place within the municipality for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

8.10.170 Placing commercial and noncommercial handbills on vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial or commercial handbill to any occupant of a vehicle who is willing to accept it.

8.10.180 Depositing commercial and noncommercial handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

8.10.190 Prohibiting distribution of handbills where properly posted. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisements", or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their privacy disturbed, or to have any such handbills left upon the premises.

8.10.200 Posting notices prohibited. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

8.10.210 Distributing commercial and noncommercial handbills at inhabited private premises. (a) No person shall throw, deposit or distribute any commercial

or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public place, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(b) 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 (as defined herein) except that newspapers shall be placed on 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 property.

8.10.220 Penalties. (a) Any person violating any of the provisions of this chapter is guilty of a violation or infraction and upon conviction thereof shall be subject to the penalty as set forth hereinbelow in Table 1, entitled "Penalties for Minor Littering Violations" or in Table 2, entitled "Penalties for All Other Littering Violations". Each violation listed in Table 1 or in Table 2 is amenable to disposition by the violator's payment of the fine, without court appearance.

TABLE 1

Penalties for Minor Littering Violations

First offense in a calendar year	\$ 10.00
Second offense in a calendar year	\$ 25.00
Third and subsequent offense in a calendar year	\$100.00

TABLE 2

Penalties for All Other Littering Violations

First offense in a calendar year	\$ 50.00
Second offense in a calendar year	\$100.00
Third and subsequent offense in a calendar year	\$300.00

(b) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(c) In lieu of such fines for any violation hereunder, the violator may agree, as a community service, to pick up litter at the rate of five dollars (\$5.00) per hour until the cumulative value of such service equals the fine.

8.10.230 Enforcement. In addition to all other lawful procedures, police officers are authorized to serve notice on persons violating the provisions of this chapter by delivering a citation to the violator. The citation, among other things, shall indicate briefly the charge, the name of the violator, and shall direct the violator to present the citation at the police station or other designated place within five days or such other reasonable time as may be specified thereon, or if the violator wishes to contest the citation, to appear in court at the place and time indicted on the citation."

APPROVED 5-27-92

Dennis Watson
MAYOR DENNIS WATSON



ATTEST Helen Gray
HELEN GRAY - CITY CLERK