

YALE CITY CODE

Chapter 14

LITTER

Article 1. General.

Sec. 14-1. Definitions.

For the purposes of this article, the following terms, phrases, and their derivations shall have the meaning given herein.

(a) Aircraft: Any contrivance used or designed for navigation or for flight in the air. The word includes helicopters and lighter-than-air dirigibles and balloons.

(b) Authorized private receptacle: A litter storage and collection receptacle as required and authorized by the City of Yale.

(c) Commercial handbill: 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 of literature:

- (1) Which advertises for sale any merchandise, product commodity, or thing;
- (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;
- (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; 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 or given or takes place in connection with the dissemination of information. 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 law of this state or under any ordinances of this city; or

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

(d) Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(e) Litter: Garbage, refuse, grass and rubbish all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(f) Newspaper: 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 statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

(g) Noncommercial handbill: Any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or other reproduced original or copies of any matter or literature not included in the definition of a commercial handbill or newspaper.

(h) Park: A park, reservation, playground, beach, recreation center, or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

(i) Private premises: 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 temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling house, house, building, or other structure.

(j) Public place: Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

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

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(l) 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.

(m) 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.

Sec. 14-2. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in authorized city landfills.

Sec. 14-3. Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private 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 private property.

Sec. 14-4. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter or grass 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.

Sec. 14-5. 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 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 places of business within the city shall keep the sidewalk in front of their business premises free of litter.

Sec. 14-6. Litter thrown by persons in vehicles.

(a) No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(b) In any prosecution charging a violation of any law or regulation governing the littering from a vehicle, proof that the particular vehicle described in the complaint was the one from which litter was thrown or deposited, together with proof that the defendant named in the

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complaint was at the time of such littering the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the person who caused such littering from such vehicle at the point where such violation occurred.

Sec. 14-7. Loads on vehicles.

(a) No vehicle shall be driven or moved on any roadway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkle on a roadway in cleaning or maintain such roadway.

(b) No person shall operate on any roadway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other uses of the roadway. Any vehicle loaded with sand, cinders, or other loose material susceptible of blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

(c) This section shall not apply to trucks loaded with livestock, poultry, hay or agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock, poultry or hay from escaping therefrom.

Sec. 14-8. Throwing or distributing 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 City of Yale. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. It shall be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute any noncommercial handbill to any person not willing to accept it.

Sec. 14-9. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. It is unlawful in any public place for a person to hand out or distribute a noncommercial handbill to any occupant of a vehicle who is not willing to accept it.

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Sec. 14-10. Depositing 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.

Sec. 14-11. Posted premises.

No person shall throw, deposit, or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone therein 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 advertisement", or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their rights of privacy disturbed, or to have any such handbills left upon such premises.

Sec. 14-12. Distributing 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 the 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 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 places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(b) 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 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.

Sec. 14-13. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill, or any other object.

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Sec. 14-14. Posting notices prohibited.

(a) No person shall post or affix any notice, poster, or other paper 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.

(b) Any garage sale sign or other sign advertising a private surplus sale shall be removed within three (3) days from the date.

Sec. 14-15. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except 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 upon any street, sidewalk, or other public place, or upon private property of such sale.

Sec. 14-16. 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.

Sec. 14-17. Litter in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or other body of water in a park or elsewhere within the City of Yale.

Sec. 14-18. Litter on vacant lots.

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

Sec. 14-19. Unlawful disposal.

(a) It shall be unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to garbage, tin cans, bottles, rubbish, refuse or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas or upon any other public property except that designated for such use.

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(b) Solid waste disposal of unlawfully as provided in subsection (a) of this section which contains three or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.

Sec. 14-20. Violations, penalty.

Any person who violates any provisions form this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), excluding costs. Each day such violation is committed or permitted to continue shall constitute a separate offense.