

Chapter 6-16

LITTERING

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Section 6-16-01DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives 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. Debris
The remains, fragments, pieces or parts of something broken down, damaged or destroyed.
- B. Garbage
Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- C. Litter
Garbage, refuse, and rubbish as herein defined and junk and all other waste or discarded materials and substances including, but not excluding by enumeration, paper, bottles, glass, nails, tacks, hoops, cans, wire (barbed or otherwise), building materials (lumber, boards, plasterboard, mortar, insulation, sheet metal, plumbing materials and fixtures, electrical materials and fixtures, water and gas materials and fixtures, sand and gravel, and roofing and siding materials), automobile bodies including the parts and components thereof, and tires.
- D. Park
A park, reservation, playground, recreation center or any other public area in the City owned or used by the City and devoted to active or passive recreation.
- E. Person
Any person, firm, partnership, association, corporation, company or organization of any kind.
- F. Private Premises

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Any dwelling, house, building or other structure, designed or used wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, or mailbox belonging or pertinent to such dwelling, house, building or other structure.

G. Public Place

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

H. Refuse

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

I. Rubbish

Nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and other similar materials.

J. Vehicle

Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved solely by human power or used exclusively upon stationary rails or tracks. (Ord. 3202, 7-12-71)

Section 6-16-02 LITTER IN PUBLIC PLACES

It shall be unlawful for any person, in person or by his agent, employee or servant, to cast, throw, sweep, sift, deposit, place, leave or dump in any manner any debris, garbage, litter, rubbish and refuse, or cause, permit or allow such debris, garbage, litter, rubbish and refuse to be carried, blown, scattered or deposited by the elements, in or upon any street, sidewalk or other public place, river, canal, public water, drain, sewer or receiving basin within the corporate limits of the City. (Ord. 3326, 6-5-72)

Section 6-16-03 PLACEMENT IN RECEPTACLE TO PREVENT SCATTERING

Persons placing debris, garbage, litter, rubbish or refuse in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being blown, carried, scattered or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Section 6-16-04 SWEEPING LITTER INTO GUTTERS PROHIBITED

It shall be unlawful for any person, in person or by his agent, employee or servant, to sweep into or deposit or place in any gutter, street or other public place within the City the accumulation of debris, garbage, litter, rubbish or refuse 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 from such debris, garbage, litter, rubbish or refuse.

Section 6-16-05 MERCHANTS DUTY TO KEEP SIDEWALKS CLEAN

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No person owning or occupying a place of business shall sweep into, or deposit or place 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 premises free of such debris, garbage, litter, rubbish and refuse.

Section 6-16-06 LITTER THROWN BY PERSONS IN VEHICLES

It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw, cast, deposit or place or permit or cause such to be cast, thrown, deposited or placed, any debris, garbage, litter, rubbish or refuse upon any street or other public place within the City, or upon private property. Each owner of a vehicle shall be liable and responsible for the actions and conduct of the driver or passengers in a vehicle from which vehicle debris, garbage, litter, rubbish or refuse is thrown, cast, deposited, or placed. The operation of a vehicle by any person other than the owner and the actions and conduct of such driver or operator of, and the passengers in, such vehicle shall be imputed to the owner for all purposes of this Section.

Section 6-16-07 TRUCK LOADS CAUSING LITTER

It shall be unlawful for any person, in person or by his or its agent, employee or servant, to operate, drive, move or use any truck or other vehicle within the City to haul or transport any kind of debris, litter, garbage, rubbish or refuse unless such truck or vehicle is so constructed or loaded as to prevent any of the load or contents thereof or any debris, garbage, litter, rubbish or refuse thereon from spilling or dropping, or from being carried, scattered or blown by the elements, or in any other way deposited, placed or dumped, upon any street, alley or other public place.

Section 6-16-08 LITTER IN PARKS

It shall be unlawful for any person to throw, leave, deposit, dump or place debris, garbage, litter, rubbish or trash in any park within the City except in public receptacles and in such a manner that such debris, garbage, litter, rubbish or refuse will be prevented from being scattered, carried, blown or deposited by the elements upon any part of the park or upon any street or other public place.

Where public receptacles are not provided, all such debris, garbage, litter, rubbish and refuse shall be carried away from the park by the person responsible for its presence and properly dispose of such in the manner provided elsewhere by the Boise City Code.

Section 6-16-09 LITTER IN LAKES AND FOUNTAINS

It shall be unlawful for any person to throw, deposit or place litter in any fountain, pond, lake, stream, canal, river or any other body of water in any park or elsewhere within the City.

Section 6-16-10 DROPPING LITTER FROM AIRCRAFT

It shall be unlawful for any person in an aircraft to throw out, drop or deposit within the City any litter, handbill or any other object or substance. (Ord. 3202, 7-12-71)

Section 6-16-11 LITTER ON OCCUPIED PRIVATE PROPERTY

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It shall be unlawful for any person to throw, deposit, place, leave or dump debris, garbage, litter, rubbish or refuse on any occupied private property within the City, whether owned by such person or not, or cause, permit or allow such debris, garbage, litter or refuse to be carried, blown, scattered or deposited by the elements upon any private property, except that the owner or person in control of private property may maintain authorized private receptacles for the collection and storage in such a manner that such debris, garbage, litter, rubbish or refuse will be prevented from being carried, blown, scattered or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. 3326, 6-5-72)

Section 6-16-12 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 debris, garbage, litter, rubbish and refuse; provided, however, that this Section shall not prohibit the storage of such debris, garbage, litter, rubbish and refuse as provided elsewhere in the Boise City Code.

Section 6-16-13 LITTER ON VACANT LOTS

It shall be unlawful for any person to throw, deposit, place, leave or dump any debris, garbage, litter, rubbish or refuse on any open or vacant private property within the City whether owned by such person or not. (Ord. 3202, 7-12-71)

Section 6-16-14 CLEARING OF LITTER FROM PRIVATE PROPERTY BY CITY

The Departments of Building and Public Works are charged with the responsibility of administering and enforcing the provisions of this Chapter, but the Department of Building shall be restricted and limited to enforcing and administering the removal of litter defined as refuse, junk, building materials (lumber, boards, plasterboard, mortar, insulation, sheet metal, plumbing fixtures and materials, electrical materials and fixtures, water and gas materials and fixtures, sand and gravel, roofing and siding materials), automobile bodies including the parts and components thereof and tires.

- A. Notice to Remove. The Department is hereby authorized and empowered to notify the owner of any private property within the City, including the sidewalks, alleys and parking within the curbing abutting such private property, or the agent of such owner, to promptly remove such debris, garbage, litter, rubbish and refuse from such property. Such notice shall be by registered or certified mail, addressed to said owner at his last known address.
- B. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose and remove such debris, garbage, litter, rubbish and refuse within fifteen (15) days after receipt of written notice provided for in subsection A. above, or within fifteen (15) days after the date of such notice in the event the same is returned to the City undelivered, provided the same was properly addressed to the last known address of such owner, or agent, the Department is hereby authorized and empowered to pay for the disposal or removal of such debris, garbage, litter, rubbish or refuse or to order its disposal or removal at the cost to the City.
- C. Charges of Removal or Disposal Constitute a Special Assessment. When the City has effected the disposal or removal of such debris, garbage, litter, rubbish or refuse, or has paid for the disposal or removal of such, the actual cost thereof, plus accrued interest at the rate of not more

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than ten percent (10%) per annum from the date of the completion of such disposal or removal, shall be chargeable and assessable to the owner of such property. All such charges and special assessments, if not paid within thirty (30) days to the City Treasurer, shall be declared delinquent and may be certified to the Tax Collector of Ada County by the City Clerk, placed upon the tax rolls and collected in the same manner and subject to the same penalties as other City taxes.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 4095, 10-17-77)