

CITY OF HAMILTON, MISSOURI

BILL NO. 0810163

ORDINANCE NO. 1611

AN ORDINANCE ADDING SECTION TO CHAPTER 75 OF THE CITY CODE RELATING TO LITTER AND ILLEGAL DUMPING, AND SETTING EFFECTIVE DATE.

**Be it ordained by the Board of Aldermen of the City of Hamilton, Missouri as follows:**

**Section 1.** Chapter 75 of the City Code is amended by adding a new Section 75.830 to read as follows:

**75.830 LITTER AND ILLEGAL DUMPING**

**1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

**Litter** means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

**Public or private property** means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

**2. General provisions.**

(a) **Purpose and intent.** The purpose of this article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are:

(1) Provide for uniform prohibition throughout the City of any and all littering on public or private property; and

(2) Prevent the desecration of the beauty and quality of life of the City and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

(b) **Applicability.** This article shall apply to all public and private property within the City.

(c) **Compatibility with other regulations.** This article is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(d) **Unlawful dumping and littering prohibited.** It shall be unlawful for any person to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing,

throwing or leaving of litter on any public or private property in this City or any waters in this City unless:

- (1) The property is a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205 RSMo, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or
- (3) The person is the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

**Exceptions:** This shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health.

### **3. Vehicle loads causing litter.**

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

### **4. Illegal dumping.**

(a) No solid waste may be disposed of by any person except in a solid waste processing facility or solid waste disposal area having a permit as required by Section 260.205 RSMO, nor may any person cause, suffer, allow or permit open dumping on his property as defined by the rules of the state department of natural resources,

(b) A person shall be presumed to have violated this section if, upon written notification by the city administrator that litter or solid waste has been dumped on that person's property, the person fails to provide the chief of police within 15 days of notification with written assurance that the accumulation of litter or solid waste will be properly disposed of within 30 days from the original date of notification.

(c) No person who first informs the city administrator in writing that illegal dumping has occurred on a particular parcel of that person's property shall be deemed to have violated this section if such person provides written assurance that all accumulated litter or solid waste will be properly disposed of by a collection service provider who meets the requirements of this article within 45 days of the date of such written notification and subsequently provides proof of such disposal.

### **5. Violations, enforcement and penalties.**

(a) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

(b) Evidence.

(1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(2) Except as provided in subsection (a) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any articles including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(c) Penalties. Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

(1) By a fine of not less than \$50.00 and not more than \$250.00;

(2) In addition to the fine set out in subsection (c) (1) of this section, the violator shall reimburse the City for the reasonable cost of removing the litter when the litter is or is ordered removed by the City;

(3) In the sound discretion of the court, the person may be directed to pick up and remove:

a. From any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

b. Any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter;

Pickup and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and

(4) The court may publish the names of persons convicted of violating this article.

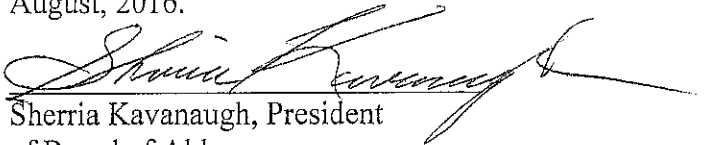
**Section 2.** It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.

**Section 3.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

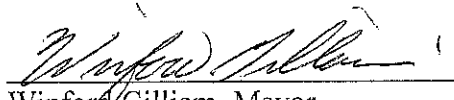
**Section 4.** This ordinance shall be in full force and effect from and after the date of its passage and approval.


A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 10th day of August, 2016.

  
Sherria Kavanaugh, President  
of Board of Aldermen

Approved on this 10th day of August, 2016.

  
Winford Gilliam, Mayor

Attest:   
Debra Davis, City Clerk