

ORDINANCE # 01 - 2020

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY, BY ADDING SECTION 53.010, PROVIDING FOR AND ESTABLISHING LITTER ENFORCEMENT RULES AND REGULATIONS, AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE RULES AND REGULATIONS.

WHEREAS, the current provisions of the Berea City Code do not explicitly provide for Litter Enforcement Rules and Regulations; and

WHEREAS, the City Council finds that such rules and regulations are necessary for the enhancement of public safety, well-being, health, and the continued beauty of the City;

NOW, THEREFORE, be it ordained by the City Council of the City of Berea, Kentucky, that the Code of Ordinances of the City of Berea be revised as follows:

SECTION I

That the Code of Ordinances is hereby amended to add Section 53.010, and such section shall read as follows:

§ 53.010 LITTER ABATEMENT RULES AND REGULATIONS

(A) No person shall throw, drop, deposit, discard, allow leakage, or otherwise dispose of litter, or liquid waste, upon any public place in the city, any dwelling or private property, or in any waters within the jurisdiction of the city, whether from a vehicle, building or otherwise except:

(1) When the property is designated by the state or by any of its agencies or the city for disposal of solid waste, and the person is authorized by the proper public authority to so use the property;

(2) When depositing into a private receptacle, heavy use container, public receptacle, or other authorized garbage can in such a manner that the litter will be prevented from being carried away or deposited by the wind or other natural elements upon any part of a public place or any private property; or

(3) When the person is the owner or, agent of the owner, and the litter or waste is created in connection with any remodeling, rehabilitation, or repair, provided the litter or waste will not cause a public nuisance or violate any other state or local laws, rules, or regulations and so long as the litter or waste does not remain on this property for more than one week.

(B) Specific items prohibited under this subchapter include the following:

(1) No person, while a driver or passenger in a vehicle, shall throw, discard, or otherwise deposit litter upon any street, public place, or private property.

(2) Dump-outs are prohibited.

(3) Sweep-outs are prohibited.

(4) Depositing newspapers, circulars, publications, advertising supplements, or handbills on uninhabited or vacant property or on public property, including public sidewalks, except in authorized newspaper/publication boxes, is prohibited. No person shall post or affix, or cause to be posted or affixed, any handbill, notice, poster, or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, tree in the public right-of-way, on the ground or curb area in the public right-of-way, or upon any public structure or building, except as may be authorized or required by law.

(5) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom. However, salt, sand, or gravel may be dropped for the purpose of securing traction, or water or some other substance may be sprinkled on a roadway surface in the cleaning or maintaining of the roadway by a public authority having jurisdiction for the roadway or by persons under contract or other authorization by the public authority. Any person owning or operating a vehicle from which any glass, metal, or other objects of its load have fallen or escaped that would constitute an obstruction or damage a vehicle or otherwise endanger travel upon a street shall immediately cause the street to be cleaned of all the glass, metal, or other objects and shall pay any cost therefor.

(6) Temporary signage placed on streets, sidewalks, and public places, including public right-of-ways, is prohibited, except as may be authorized or required by law.

(C) Definitions for this Section.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **CONTAINER.** Any reusable waste receptacle with a capacity exceeding 96 gallons.

(2) **DUMP-OUT.** Any material emptied from a vehicle or building upon streets, roadsides, or public places that is not set out for collection in accordance with the regulations provided in this chapter or contained in an appropriate receptacle.

(3) **LIQUID WASTE.** shall mean all liquid waste, including but not limited to, motor oil, transmission fluid, brake fluid, steering fluid, or other liquid wastes thrown away or deposited as prohibited by this chapter.

(4) **LITTER.** All solid or liquid wastes, including but not limited to, containers, packages, wrappings, printed matter, cigarette butts, or other materials thrown or discarded in violation of this chapter.

(5) **PRIVATE RECEPTACLE.** Any cart or container that is used to temporarily store and dispose of solid waste or recyclables was not issued to the owner, commercial or industrial end user by the city or the contractor.

- (6) **SWEEP-OUTS.** Any collection of debris resulting from clean-up operations on private property, which is deposited in or around a public place, including street curbs.

(D) Penalties

Any person violating the provisions set forth in the foregoing Section 53.010 shall be guilty of a misdemeanor and, in addition to or in lieu of any other penalty, the person may be, in the sound discretion of the Court, directed by the court to pick up and remove from any public place or any private property, with permission of the owner or the person in possession of the property, upon which it is established that the person has deposited litter, any and all litter deposited thereof by anyone prior to the date of the execution of sentence. Violation of any portion of these ordinance sections is punishable by a fine of \$500.00 and for the removal of litter from areas designated by the Court. Each and every day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

SECTION II

This ordinance shall not repeal, replace, modify, or otherwise change or affect the enforcement of any of the provisions of Chapter 41 of the Berea City Code (Streets and Sidewalks) or Chapter 50 of the Berea City Code (Nuisances). This ordinance shall be published according to law.

FIRST READING: January 21, 2020.

SECOND READING AND ENACTMENT: February 4, 2020.

APPROVED BY:



Bruce Fraley, Mayor

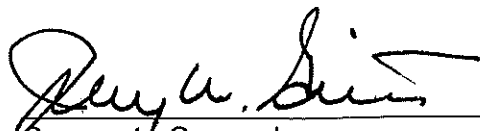
ATTEST:



Clerk of the City Council

Published this 5 day of February, 2020.

PREPARED BY:



Corporate Counsel