

COUNCIL ACTION FORM

SUBJECT: REVISIONS TO CITY LITTERING ORDINANCE

BACKGROUND:

Efforts to maintain the appearance of the Ames community occasionally rely on enforcement actions to deter littering. In September 2014, the City Council received a staff report outlining gaps in the current littering ordinance. Council then directed staff to prepare a revision to the ordinance. This revision was to address types of discarded materials and common types of locations where this problem exists within the community.

Iowa Code Section 321.369 prohibits putting debris on a highway. While the specific description of debris is comprehensive in that it includes glass bottles, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, the fact that it is limited to the highway means that sidewalks and parks are not covered.

Municipal Code Section 17.10 currently prohibits depositing paper, cards, advertisement, handbills and similar items. Property covered by this ordinance includes streets, alleys or other public places.

The proposed ordinance addresses behaviors and locations not covered by the Iowa Code. For example, under the proposed revision, officers could cite an individual who throws a bottle onto a sidewalk. Nearly any non-paper material deposited on the sidewalk, on the grounds of public buildings, or in the parks would now be covered by the revised ordinance, in addition to the previously prohibited paper items.

Another aspect of this problem occurs when yard waste and other plant materials are intentionally moved to or deposited in the street or on other public property. The proposed ordinance would more clearly prohibit depositing yard waste on other public properties.

The proposed ordinance was developed after reviewing issues identified by City staff, and incorporates language from state law and model ordinances

Under the proposed ordinance, littering in violation of Municipal Code can be charged as a simple misdemeanor, or as a municipal infraction with a civil penalty of \$100 for a first offense and \$200 for a subsequent offense. This is an increase from the current penalties of \$50 for the first offense and \$100 for second and subsequent offenses. The existing penalty was established at least fifteen years ago. Raising the fine will assist with deterrence, and will be equivalent to the penalty for similar offenses, such as hosting a nuisance party.

ALTERNATIVES:

1. Approve the attached ordinance revising Section 17.10 of the Municipal Code – Depositing Debris on Public or Private Property, in Vehicles.
2. Do not approve the attached ordinance revising the Municipal Code as it relates to littering.

MANAGER'S RECOMMENDED ACTION:

The City Council had requested revisions to Municipal Code Section 17.10 based on a staff report highlighting limitations to the current law and difficulties in prosecution. After reviewing model ordinances and previous cases, a number of changes were made to address littering on both public and private property.

Based on the need for a basic prohibition against littering, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached ordinance revising Section 17.10 of the Municipal Code – Depositing Debris on Public or Private Property, in Vehicles.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 17.10 AND ENACTING A NEW SECTION 17.10 THEREOF, FOR THE PURPOSE OF ADDING ITEMS TO THE LIST OF PROHIBITED DEBRIS ON PUBLIC PROPERTY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 17.10 and enacting a new Section 17.10 as follows:

“Sec. 17.10. DEPOSITING DEBRIS ON PUBLIC OR PRIVATE PROPERTY, IN VEHICLES.

(1) It is unlawful for any person to throw or deposit or allow to be thrown or deposited, any garbage, refuse, litter, or yard waste, into or upon any public or private property, or in or upon any motor vehicle or bicycle while parked on public property.

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

(3) Definitions. For the purpose of this section, the following terms shall have the meanings stated:

(a) “Garbage” means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and including tin cans or similar food containers.

(b) “Litter” means any organic or inorganic waste material, or portion thereof, which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, hull, cigarette, cigar, match, newspapers, magazines, advertisements, dead animals, or intentionally or unintentionally discarded material of any kind.

(c) “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, grounds of public buildings, public sidewalks and walkways, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

(d) “Refuse”: means all other miscellaneous waste materials except “yard waste” not specifically defined as garbage or litter.

(e) “Yard Waste”: means debris including, but not limited to, grass clippings, leaves, garden waste, brush, trees, and tree stumps.

(4) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person’s first violation and \$200 for each repeat violation.

(5) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

(Ord. No. 812, Sec. 1; Code 1956, Sec. 76-69; Ord. No. 3003, Sec. 20, 2-23-88; Ord. No. 3497, Sec. 19, 8-25-98; Ord. No. 3551, 3-7-00)”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction, or, in the alternative, may be charged by a peace officer of the City as a simple misdemeanor, punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor