

**Title 8  
HEALTH AND SAFETY**

**Chapter:**

**8.12 Litter Control**

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**LITTER CONTROL**

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This chapter shall be known and may be commonly referred to as the "litter control ordinance." (Ord. 250 § 1, 1998)

**8.12.020 Purpose.**

The purpose of this chapter is to accomplish litter control in Grays Harbor County. This chapter is intended to place upon all persons, the duty of contributing to the public cleanliness of the county and appearance in order to promote the public health, safety, and welfare and to protect the economic interests of the people of the county against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incidental to littering.

Furthermore, it shall place upon all persons the responsibility of properly disposing of their own litter. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of Grays Harbor County or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of Grays Harbor County by its officers, employees, or agents. (Ord. 250 § 2, 1998)

### **8.12.030 Definitions.**

When used in this chapter, the following terms have the meanings given below: "Abandon" means to give up, forsake, or desert with no intent or attempt to return to, or have any further use for. "County" means Grays Harbor County.

"Department" means the Grays Harbor County department of public services.

"Designee" means the litter control officer or other staff as may be directed by the director of public services department.

"Director" means the director of public services department.

"Litter" means all solid and semisolid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, demolition and construction wastes, vehicle parts, and discarded commodities. This includes all liquid, solid, and semisolid materials which are not the primary products of public, private industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from waste water treatment plants and septic tank seepage, dangerous waste, problem waste and wood waste, but not including wood wastes from forest road construction and logging operations that are otherwise regulated by the Forest Practices Act as administered by the Washington State Department of Natural Resources.

"Litter receptacle" means those adopted by the Department of Ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

"Proper disposal" means deposit of litter at a permitted landfill or transfer station, or hauled by a licensed hauler, or at a recycling center.

"Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

"Recycling" means the process of separating, cleansing, treating, and reconstituting used or discarded litter related materials for the purpose of recovering and reusing the resources contained therein.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, motorcycles, tractors and any other device moved by human or animal power.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft.

"Whitegood" means any appliance, including, but not limited to, ranges, washers, dryers, hot water tanks, freezers, refrigerators, or dishwashers.

(Ord. 250 § 3, 1998)

(Ord. No. 380, § 9, 4-27-2009)

### **8.12.040 Littering.**

No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public place in the county or upon any private property, or in any waters within the jurisdiction of the county, whether from a vehicle or otherwise, including but not limited to any sidewalk, street, alley, highway, county road, or park, except:

A. When such property is permitted by the county for disposal of garbage, refuse, or wood wastes, and such person is authorized by the proper public authority to so use such property. The disposal of any wastes shall be confined to the county-designated disposal site(s), which currently exist or may exist in the future;

B. Into a litter receptacle or other container in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the public place or any private property.

(Ord. 250 § 4, 1998)

#### **8.12.050 Accumulation of litter.**

It is unlawful for the owners or occupants of any property, public or private, to deposit or accumulate, or to knowingly or intentionally permit the deposit or accumulation of, litter upon such property; provided, however, that this shall not prohibit the storage of garbage or rubbish, in public or private litter receptacles, when approved by the litter control officer, or in garbage cans or in securely tied bundles when such garbage cans or bundles are for immediate disposal, or for the waste of the primary processes of mining, logging, saw milling, farming or manufacturing to be collected and piled for temporary on-site storage while waiting for transportation to permitted disposal sites; provided, however, that the temporary storage piles shall be removed by the owner or operator within thirty (30) days of the last date of operation, or issuance of citation, and no raw garbage is mixed with the waste; provided, further, that the use of a compost pile or bin, shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent the attraction, breeding, and/or harboring insects and rodents; provided the use of composting will not cause a public nuisance or be in violation of any other state or local laws, rules, or regulations.

(Ord. 250 § 5, 1998)

#### **8.12.060 Improper disposal of litter.**

A. It is a violation of this ordinance for any person to abandon litter in a residence, vehicle or business.

B. It is a violation of this chapter for an owner or occupant of the property to allow another person to haul litter away unless that person obtains written proof of proper disposal at a permitted landfill or transfer station.

(Ord. 250 § 6, 1998)

#### **8.12.070 Brush and yard waste.**

No person shall deposit, discard, or otherwise dispose of brush, yard, or garden waste, or any other type of landscaping waste, upon any land, public or private, within Grays Harbor County, unless the person has permission of the property owners or occupant to so dispose of the waste. Such disposal of the waste shall be in an orderly manner for the purpose of composting or burning, and shall not cause a public nuisance or be in violation of any other state or local law, rules, or regulations.

(Ord. 250 § 7, 1998)

#### **8.12.080 Abandonment of buildings.**

It is unlawful for the owner or occupant of any property, public or private, within Grays Harbor County, to permit any building or structure of any kind to be abandoned to where such building is used for dumping litter in violation of the litter control ordinance. The owner or occupant of such building shall secure the building to prevent the accumulation of litter on the property and shall dispose of the debris and litter in conformity with the provisions of the litter control ordinance.

(Ord. 250 § 8, 1998)

**8.12.090 Forceful evictions.**

Once personal property and/or solid waste has been placed onto public access pursuant to a court ordered eviction per RCW Chapter 59, the owner of the personal property or their designee, shall have twenty-four (24) hours to remove the personal property and/or solid waste off the public access. If after twenty-four (24) hours the owner or designee has not removed the personal property off of the public access, the materials shall be deemed abandoned and shall be considered as litter and the property owner shall have the right to remove the personal property and/or solid waste for proper disposal. In addition, the owner of the personal property shall be deemed to be in violation of the litter control ordinance and shall be subject to the provisions of that ordinance.

(Ord. 250 § 9, 1998)

**8.12.100 Vehicle loading.**

Any person owning or operating a vehicle from which any refuse, garbage, rubbish, ashes, or any other objects, or parts of, or the whole of its load has fallen or escaped, which would constitute an obstruction or damage a vehicle or otherwise endanger travel, or create an unsightly mess upon such public highway or road shall immediately cause such public highway or road to be cleaned of all such material or other objects and shall pay any and all cost therefore, and may be subject to a fine under Section 8.12.170.

(Ord. 250 § 10, 1998)

**8.12.110 Sweeping litter in gutter prohibited.**

No person shall sweep into or cause to be deposited in any gutter, street, alley, or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

(Ord. 250 § 11, 1998)

**8.12.120 Enforcement by public works.**

The director of Grays Harbor County department of public services, through his or her designees, is authorized to enforce the provisions of this chapter and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of this chapter.

(Ord. 250 § 12, 1998)

**8.12.130 Entry upon property in course of duty.**

The litter control officer may enter upon lands or waters and remain there for the purpose of performing his or her duties without the liability of trespass.

(Ord. 250 § 13, 1998)

**8.12.140 Evidence.**

Whenever litter or other solid waste dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose names appears on such items committed the unlawful act of dumping, or that the individual unlawfully abandoned litter or that the individual allowed another person to haul litter away without requiring proof of proper disposal.

(Ord. 250 § 14, 1998)

#### **8.12.150 Lack of evidence.**

When the litter control officer investigates a case of unlawful dumping and finds no identification, or evidence, the Grays Harbor County department of public services, through his or her designees, may enter the property, with prior permission of the property owner, and remove the litter or solid waste or take appropriate measures to bring the property into compliance with the provisions of this chapter; provided, that the reasonable costs of removal may be assessed against the property owners.

(Ord. 250 § 15, 1998)

#### **8.12.160 Handbills and signs.**

No person shall throw or deposit any handbill, sign, or other notice upon any public place or public or private vehicle or upon any uninhabited or vacant private property within the county; provided, however, that it shall not be unlawful for any person to hand out any handbill on private property with permission of the owner; for persons running for public office to post campaign signs with the permission of the owner of any property; or for public officers performing official duties to place such official notices or warnings as may be appropriate to law enforcement, public notice and public safety; provided, however, that any such handbills, signs, or other notices shall be removed within fifteen (15) days of the last effective date of the handbill, sign, or notice. 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 residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property.

(Ord. 250 § 18, 1998)

#### **8.12.170 General violation procedures.**

A. Whenever an individual is identified as being in violation of this chapter, the individual may be notified of such violation by certified mail, return receipt requested, sent to the last known address. The notice of violation shall contain:

1. The name and address of the person to whom the notice of violation is directed;
2. A description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;
3. A description of the nature of the violation;
4. A request for the person to contact the litter control agent for instructions on the cleanup and removal of the material which created the violation.

B. If the individual does not respond to the violation notice, or fails to clean up the material within fifteen (15) days from their receipt of the violation notice, a citation may be issued.

(Ord. 250 § 17, 1998)

#### **8.12.180 Violations--Penalties.**

A. Any violations of the provisions of this chapter is made a Class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot, and a Class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot.

B. Unless suspended or modified by the court, a person found in violation of this chapter shall also pay a litter cleanup fee of twenty-five dollars (\$25.00) per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the

property. Assessment of a litter cleanup shall not limit in any way a property owner's rights or remedies as provided in subsection C of this section.

C. In addition to the penalty imposed under subsections A and B of this section, violation of this chapter is declared to be a public nuisance and the owner of any interest in property, public or private, may recover from the offender all necessary and reasonable expenses incurred in the clean up and removal of any materials deposited in a manner contrary to this chapter.

(Ord. 250 § 16, 1998)