

ORDINANCE NO. 1978

CITY OF LEXINGTON, NEBRASKA

An Ordinance Prohibiting the Throwing or Depositing of Litter in Public Places in the City of Lexington, Nebraska; Controlling the Depositing of Litter on Private Premises; and Prescribing Penalties for the Violation of its Provisions; to provide for an effective date and for publication in pamphlet form.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

SECTION 1: This Ordinance shall be known and may be cited as the "Lexington, Nebraska Anti-Litter Ordinance."

SECTION 2: *Definitions.* For the purposes of this Ordinance the following terms, phrases, words, and their derivations 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.

- (1) "Aircraft" is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.
- (2) "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized in Section 22-7 of the Lexington City Code.
- (3) "City" is the City of Lexington, Dawson County, Nebraska.
- (4) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (5) "Litter" is "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

- (6) "Park" is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (7) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (8) "Private Premises" is any dwelling, house, building, or other structure, designed or used either 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, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (9) "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- (10) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- (11) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (12) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 3.      *Litter in Public Places; Composting and Recycling Centers.*

- (a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in other designated areas.
- (b) City may, by posting of appropriate signs, designate areas available for public deposit of materials for composting, recycling, or as a transfer station for transport to a landfill. No per-

son shall deposit litter other than specifically permitted by such signs, and no person shall deposit litter in any place not specifically designated by such signs.

SECTION 4.      *Placement of Litter in Receptacles So as to Prevent Scattering.* Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

SECTION 5.      *Sweeping Litter Into Gutters Prohibited.* No person shall sweep into or deposit 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 property shall keep the sidewalk in front of their premises free of litter.

SECTION 6.      *Merchants' Duty to Keep Sidewalks Free of Litter.* No person owning or occupying a place of business shall sweep into or deposit 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 business premises free of litter.

SECTION 7.      *Litter Thrown by Persons in Vehicles.* No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

SECTION 8.      *Truck Loads Causing Litter.* No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

SECTION 9.      *Litter in Parks.* No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried 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

litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

SECTION 10. *Litter in Lakes and Fountains.* No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

SECTION 11. *Dropping Litter From Aircraft.* No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

SECTION 12. *Litter on Occupied Private Property.* No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 13. *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 litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

SECTION 14. *Litter on Vacant Lots.* No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

SECTION 15. *Penalties.* Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) or be imprisoned in the Dawson County Jail for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 16. *Separability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

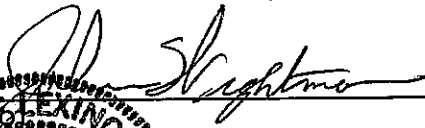
SECTION 17. *Ordinances Repealed.* All ordinances and parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed.


Section 18. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 13th day of July, 1993.

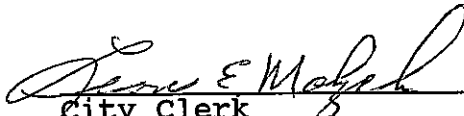
CITY OF LEXINGTON, NEBRASKA

BY:

  
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ATTEST:

  
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city Clerk

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