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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2687

AN ORDINANCE establishing a new Chapter, Chapter 9.11 to the Bellevue City Code, to be entitled the "Bellevue Anti-Litter Code".

WHEREAS, it is the intent of the City Council to place upon all persons within the City the duty of contributing to the cleanliness and appearance of the City; and

WHEREAS, the adoption of this ordinance is necessary to promote the public health, safety and welfare and to protect the citizens of the City of Bellevue from unsanitary and unsightly conditions and to ease the burden of the tremendous public expense incident to littering; and

WHEREAS, the City Council has the legal authority to adopt ordinances necessary to promote the public health, safety and welfare pursuant to Article 11, Section 11 of the Washington State Constitution and RCW 35A.11.020; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added to the Bellevue City Code a new chapter, Chapter 9.11, to be entitled the "Bellevue Anti-Litter Code" which may be cited as such and will be referred to herein as "this chapter":

9.11.010. Purpose. The purpose of this chapter is to accomplish litter control in the City of Bellevue. This chapter is intended to place upon all persons within the City, the duty of contributing to the public cleanliness and appearance of the City in order to promote the public health, safety and welfare and to protect interests of the people of the City against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the public expense caused by littering.

9.11.020. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given in this section, in addition to the meanings set forth at Section 1.04.020 of the Bellevue City Code.

- A. "Authorized litter receptacle" means a litter storage and/or collection receptacle as defined or required by this chapter as now enacted or hereafter amended.
- B. "Compost pile" means plant debris, soil and other putrescible wastes stacked so as to encourage rapid decomposition for the ultimate use as plant fertilizer.

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- C. "Drop Box" means a container for the disposal of litter of a capacity of at least 10 cubic yards and not more than 30 cubic yards.
- D. "Dumpster" means a container for the disposal of litter of a capacity of at least 1 1/4 cubic yards and not more than 8 cubic yards.
- E. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- F. "Handbill" means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature, political or non-political, for profit or non-profit, for commercial or non-commercial purposes not included in the definitions of "newspaper"; except the word "handbill" shall not include any notice or any document relating to legal proceedings, court proceedings or action of any government agency including the City.
- G. "Litter" means garbage, refuse, and rubbish, as defined in this section, animal excrement, and in addition all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a public nuisance.
- H. "Litter receptacle" means a container for the disposal of litter of not more than sixty gallon capacity; provided that garbage containers or other waste containers serving single-family or multifamily residences are not included in this definition.
- I. "Newspaper" means any newspaper of general circulation, any newspaper duly entered with the U.S. Postal Service Department of the United States in accordance with federal statute or regulation, and, in addition thereto, means and includes any periodical or magazine regularly published with not less than four issues per year and sold or distributed to the public.
- J. "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.
- K. "Private property" means any realty not held out for the use by the public, whether owned or operated by public or private interests, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any dwelling, house,

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building or other structure, any walk, driveway, porch, steps, vestibule, or mailbox located on such realty.

- L. "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. "Public place," for purposes of compliance with the provisions of this chapter regarding placement of litter receptacles in the number specified, shall not include indoor areas. An indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.
- M. "Refuse" is all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, residue from street cleaning, and solid market and industrial wastes.
- N. "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrapping, cigarettes, cardboard, tin cans, wood, glass, plastic, cloth, bedding, crockery, and similar materials.
- O. "Vehicle" means 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.

9.11.030. Prohibited Conduct:

- A. Deposit in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City except in litter receptacles or in official county transfer stations.
- B. Deposit on private property. No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except that the owner or person in control of the private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements onto any street, sidewalk, or other public place or onto any other private property.
- C. Deposit in parks. No person shall throw or deposit litter in any park within the City except in litter receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements onto any part of the park or onto any street or other public place. Where litter receptacles are not provided, all such litter shall be carried away and properly disposed of elsewhere as provided in this chapter.

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- D. Deposit in water. 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.
- E. Throwing from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property within the City.
- F. Litter from vehicle. No person shall drive or move any 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 or private property.

Any person owning or operating a vehicle from which any litter has fallen or escaped, which would constitute an obstruction or damage to a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such litter or other objects and shall pay any cost thereof.

- G. Litter from construction sites.
 - 1. No individual or person in charge of a construction site in the City shall cause or allow any litter from the site to be deposited by the elements or otherwise upon any adjacent public or private property.

During such time as the construction site is not actually being used, all litter shall be stored or deposited in containers or receptacles in such a manner as to prevent the litter from being deposited upon adjacent property by the elements or otherwise.
 - 2. No person in charge of any construction site in the City shall cause or allow any mud, dirt, sticky substances, road surfacing materials or other litter from said construction site to be deposited by any vehicles, the wheels or tires of any vehicles, the elements or otherwise upon any street, alley or other public place; provided, however, if a construction site and adjacent public streets and sidewalks are maintained under a clean-up program approved by the Department of Public Works, then this paragraph shall not apply.
- H. Sweeping into gutters. No person shall sweep into or deposit in any gutter, storm water drain, street, or other public

place within the City, an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying any real property within the City shall keep the sidewalk in front of or adjacent to said property free of litter.

- I. Dropping litter or handbills from aircraft. No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.
- J. Handbills -- Prohibited placement.
 1. Handbills -- Depositing in public. No person shall throw, deposit, or post any handbill in or upon any sidewalk, street, or other public place within the City; provided, however this section shall not prohibit the posting of commercial or non-commercial bills on posting boards designated for such purposes.
 2. Handbills -- Placing on vehicles. No person shall throw or deposit any handbill in or upon any vehicle without the permission of the owner of such vehicle; provided, however, that it is not unlawful in any public place for a person to hand out or distribute a handbill without charge to the receiver thereof.
 3. Handbills -- Deposit on vacant property. No person shall throw, deposit, post or distribute any commercial or noncommercial handbill in or upon any private property which is temporarily or continuously uninhabited or vacant.
 4. Handbills -- Distribution on posted premises. No person shall throw, deposit, post or distribute any handbill upon any private property if requested by the owner or person in control of such property to refrain from doing so or if there is placed on the property in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to have any such handbills left upon such premises. Provided, however, that in case of inhabited private premises which are not posted as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, in such a manner as to prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places,

and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. Provided further that this chapter shall not be construed to permit solicitation as prohibited by Section 10.12.140.

9.11.040. Property owner's duty to keep premises litter-free. The owner, occupant or person in control of any private property or public place shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit: the storage of litter in private litter receptacles for collection or disposal; the maintenance of compost piles contained within a physical structure; and the temporary storage of building, construction, landscaping and similar materials, except as prohibited by Section 9.20.020 (L).

9.11.050. Placement in litter receptacles. Persons placing litter in litter 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.

9.11.060. Placement in dumpsters and drop boxes; Dumpster Standards.

- A. Persons placing litter in dumpsters or drop boxes shall do so in such a manner as to prevent the litter from being carried or deposited by the elements onto any street, sidewalk or other public property or onto any other private property.
- B. No person shall deposit litter in any dumpster or drop box designated for the sole use by a business or multi-family residence unless that person or individual is licensed to do so by that business or multi-family residence.
- C. All dumpsters are to be equipped with a lid to prevent the contents from being carried or deposited by the elements and to prevent the entrance of dogs or other animals. Lids shall remain closed at all times unless other means of protection are provided to prevent the contents from being scattered by animals or the elements.

9.11.070. Newspapers. Newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

9.11.080. Responsibility to procure and place receptacles. Any person owning or operating any private property or public place, in which litter receptacles are required by this chapter, shall procure, place, and maintain such receptacles on the premises at

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his or her own expense in accordance with the provisions of this chapter.

9.11.090. Authorized Litter Receptacles -- Minimum standards.

Litter receptacles procured and placed in public places as required by this chapter shall meet the following minimum standards:

A. General Specifications.

1. The body of each litter receptacle shall be constructed of a minimum of twenty-four gauge galvanized steel or other material of equivalent strength that will, with normal wear and tear, reasonably resist corrosion and acts of vandalism.
2. All outside edges of each litter receptacle shall be rounded.
3. Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.
4. Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions, or regulations pertaining to fire, safety, public health or welfare.

B. Color and Marking.

1. The entire outer surface of each litter receptacle shall be colored medium green conforming with Federal Color Standard No. 595A, Color No. 24424, or Color No. 34424.
2. Each litter receptacle shall bear the official anti-litter symbol as specified by the Department of Ecology. The symbol shall be colored deep blue conforming with Federal Color Standard No. 595A, Color No. 15180. The symbol shall not be distorted as to proportion and shall not be incorporated into commercial advertisement on the receptacle. For litter receptacles along the rights-of-way of public roadways, the symbol shall be of a size as to be distinguishable from a minimum distance of seventy-five feet.
3. The words "Deposit Litter" shall be placed on the litter receptacle. Lettering used for these two words shall be block-type capital letters to be readily legible at a distance of thirty feet.

4. No commercial advertisement shall be placed on any litter receptacle. However, the person owning any receptacle may place a single line on the receptacle identifying the ownership, and a single credit line designating any donor of the litter receptacle other than the owner may also be placed on the receptacle provided that the lettering does not exceed the size specified for the words "Deposit Litter", and does not interfere with or distract from the prominence of the anti-litter symbol.
- C. Maintenance. Compliance with the minimum standards set forth in this section shall include proper upkeep, maintenance, repair or replacement of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly.
- D. All litter receptacles are to be braced or supported in such a manner that dogs or other animals cannot enter or tip or tilt the same or empty any of the contents thereof; and each such receptacle shall have overlapping close-fitting lids designed in such a way as to remain closed when not in actual use.

9.11.100. Receptacles -- Placements required.

- A. Litter receptacles meeting the standards established by this chapter shall be placed in the following public and private places in the City:
 1. Parks;
 2. Campgrounds;
 3. Trailer park facilities for transient habitation;
 4. Drive-in restaurants;
 5. Gasoline service stations;
 6. Tavern parking lots;
 7. Shopping centers;
 8. Grocery store parking lots;
 9. Marinas;
 10. Boat launching areas;

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11. Boat moorage and fueling stations;
 12. Public and private piers;
 13. Beaches and bathing areas;
 14. Outdoor parking lots, other than those specifically designated in this section, having a capacity of more than fifty automobiles;
 15. Fairgrounds;
 16. Schoolgrounds;
 17. Racetracks;
 18. Sporting event sites;
 19. Sites for carnivals, festivals, circuses, shows, or events of any kind to which the public is invited;
- B. Litter receptacles need only be placed in the public and private places designated in subsection A of this section during times that such places are open to the public.
- C. Placement of litter receptacles shall be in conformance with laws, ordinances, resolutions, and regulations pertaining to fire, safety, public health or welfare.

9.11.110. Receptacles -- Number required.

- A. The minimum number of receptacles meeting the standards established by this chapter and required in public places listed in Section 9.11.100 are as follows:
1. Parks, campgrounds, and trailer park facilities for transient habitation: one receptacle at each public restroom facility; and one receptacle at each established trailhead giving access by foot, motorcycle, bicycle or similar trail for excursion or exploration out or away from the central activity area;
 2. Gasoline service stations: one receptacle per gasoline pump island;
 3. Drive-in restaurants, tavern parking lots, shopping centers, grocery store parking lots, and outdoor parking lots having a capacity of more than twenty-five automobiles: one receptacle for the first twenty-five

spaces, plus one additional receptacle for each additional one hundred parking spaces;

4. Marinas, boat launching areas, boating moorage and fueling stations, and public and private piers: one receptacle at each main pier, at each float and at each boat launching ramp;
5. Beaches and bathing areas: one receptacle at each public restroom facility, and one receptacle at each access point officially designated as such by the city;
6. Schoolgrounds: one receptacle at each schoolground bus loading zone;
7. Sporting event sites: one litter receptacle at each entrance to the sporting event; sporting event sites with seating capacity of more than one hundred spectators: one litter receptacle at each seating area, plus an additional receptacle in each seating area for each additional five hundred seats.
8. Fairgrounds and sites for carnivals, festivals, circuses, shows, or events of any kind to which the public is invited: one receptacle at the entrance to each ride, and one receptacle at each end of walk-through exhibit buildings;

9.11.120. Litter receptacles -- Prohibited acts.

- A. No person shall damage, deface, abuse, or misuse any litter receptacle not owned by such person so as to interfere with its proper function or to detract from its proper appearance.
- B. No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle not owned by such person.
- C. No person shall deposit household garbage in any litter receptacle; provided that this subsection shall not be construed to mean that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles.

9.11.130. Presumption of Responsibility.

A person is presumed to be responsible for illegally depositing litter by the discovery of three or more pieces of litter within such illegally deposited litter which are identifiable to such person by means of a name, address, or other mark of identification contained on such items.

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9.11.140. Enforcement.

The authority to enforce this chapter is hereby vested in the City Manager or a designee of the City Manager. Abatement of any condition in violation of this chapter shall be executed pursuant to the provisions set forth by Sections 9.10.050-.080 of the Bellevue City Code.

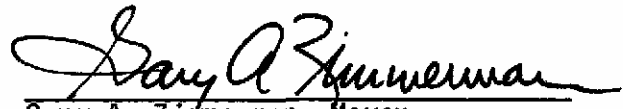
9.11.150. Violation -- A misdemeanor. Any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of violation of or failure to comply with this chapter shall be considered a separate offense.

9.11.160. Short Title. This Chapter shall be known and may be cited as the City of Bellevue Anti-Litter Code.


Section 2. This ordinance shall take effect and be in force 30 days after enactment by the City Council.

PASSED by the City Council this 9TH day of April, 1979, and signed in authentication of its passage this 9th day of April, 1979.

(SEAL)


Gary A. Zimmerman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Sharon S. Stewart, Deputy City Clerk

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