CITY OF LANGLEY, WASHINGTON
ORDINANCE NO. _______

AN ORDINANCE OF THE CITY OF LANGLEY,
WASHINGTON, repealing a section of Ordinance No. 416 and
Section 8.08.090 of the Langley Municipal Code.

WHEREAS, in 1983, Ordinance No. 416 was passed and codified in Chapter 8.08 of the Langley Municipal Code, referred to as the "Uniform Litter Control Code." and

WHEREAS, Section 8.08.090 of that code required mandatory litter bags to be carried in all vehicles and watercraft, as specified in State law; and

WHEREAS, RCW 70.93.100 which required the litter bags was repealed by the State Legislature in July of 2003;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. That portion of Ordinance No. 416 Langley Municipal Code Section 8.08.090 is hereby repealed as set forth below.

Chapter 8.08
Uniform Litter Control Code

Sections:
8.08.010 Short title.
8.08.020 Purpose.
8.08.030 Littering prohibited-Exceptions
8.08.040 Enforcement.
8.08.050 Receptacles – Placement.
8.08.060 Receptacles-Use.
8.08.070 Receptacles-Damaging unlawful.
8.08.080 Removal of litter.
8.08.090 Mandatory litter bags.
8.08.100 Sweeping litter into gutter prohibited.
8.08.110 Throwing or distributing handbills in public places.
8.08.120 Depositing handbills on uninhabited or vacant property.
8.08.130 Litter thrown by persons in vehicles.
8.08.140 Vehicle loading.
8.08.150 Violations Penalty.

Section 8.08.010 Short title.
The ordinance codified in this chapter shall be known and may be commonly referred to
as the "Uniform Litter Control Code." (Ord. 416, 1983)

Section 8.08.020 Purpose.

The purpose of this chapter is to accomplish litter control in the city. This chapter is intended to place upon all persons within the city the duty of contributing to the public cleanliness of the city and appearance in order to promote the public health, safety and welfare and to protect the economic 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 health and safety menace and the expense incident to littering. (Ord. 416, 1983)

Section 8.08.030 Littering prohibited-Exceptions

No person shall throw, drop, deposit, discard or otherwise dispose of litter, as that term is defined in RCW 70.93.030(4), upon any public place in the city or upon any private property not owned by him, or in any waters within the jurisdiction of the city whether from a vehicle or otherwise, including, but not limited to, any sidewalk, street, alley, highway or park, except:

A. When such property is designated by the state or by any of its agencies or the city for disposal of garbage and refuse, and such person is authorized by the proper public authority to so use such property; or

B. Into a litter receptacle or other container in such 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; or

C. When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of the owner or tenant and provided the litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

(Ord. 416, 1983)

Section 8.08.040 Enforcement.

Enforcement of this chapter may be by any police officer. All such enforcement officers are empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this chapter. The enforcement officers may serve and execute all warrants, citations and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged.

(Ord. 416, 1983)

Section 8.08.050 Receptacles –Placement.

A. Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas, and other such public places in numbers and size appropriate to need.

B. It is the responsibility of any persons owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place
and maintain such litter receptacles at their own expense on the premises in accord with such state regulations.
(Ord. 416, 1983)

**Section 8.08.060 Receptacles-Use.**
Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.
(Ord. 416, 1983)

**Section 8.08.070 Receptacles-Damaging unlawful.**
It is unlawful for any person to willfully damage or deface any litter receptacle.
(Ord. 416, 1983)

**Section 8.08.080 Removal of litter.**
It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter receptacles placed in parks, beaches, campgrounds and other public places.
(Ord. 416, 1983)

**Section 8.08.090 Mandatory litter bags.**
___ The owner and person in possession of all vehicles or watercraft shall keep a litter bag in the vehicle or watercraft at all times. (Ord. 416, 1983)

**Section 8.08.100 Sweeping litter into gutter prohibited.**
No person shall sweep into or deposit 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. 416, 1983)

**Section 8.08.110 Throwing or distributing handbills in public places.**
No person shall throw or deposit any handbill upon any public place within the city; provided, however, that it shall not be unlawful for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it.
(Ord. 416, 1983)

**Section 8.08.120 Depositing handbills on uninhabited or vacant property.**
A. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.
B. Exemption for Mail and Newspapers. 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. 416, 1983)
Section 8.08.130 Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any public place or upon any private property.
(Ord. 416, 1983)

Section 8.08.140 Vehicle loading.

A. No person shall drive or move a vehicle on any public street unless such vehicle is constructed and loaded to prevent any of its load from dropping, shifting, leaking or otherwise escaping; however, sand and gravel may be dropped to secure traction, or water may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

B. Any person who owns or operates a vehicle shall immediately remove from the streets, alleys or roadways any objects or litter which falls or leaks from that vehicle.

C. No person who is engaged in any construction, landscaping, or any other activity shall throw or otherwise deposit the litter or refuse from that activity on any public property.
(Ord. 416, 1983)

Section 8.08.150 Violations Penalty.

Violation of or failure to comply with any of the provisions of this chapter shall be subject to a civil penalty as set forth in Chapter 1.14. When violations are of a continuing nature, the penalty shall increase each day of the violation as set forth in chapter 1.14.050(5).
(Ord. 416, 1983) (Ord. 832, 2003)

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held the _____ day of ______________________, 2012.

____________________________
LARRY KWARSICK, MAYOR

ATTEST:

________________________________
DEBBIE L. MAHLER
Director of Finance/City Clerk

APPROVED AS TO FORM:

________________________________
MICHAEL R. KENYON
City Attorney

PUBLISHED: South Whidbey Record - ________________________________