

**PETERSBURG BOROUGH
ORDINANCE #2013-18**

**AN ORDINANCE PROVIDING FOR CHAPTER 9.12, ENTITLED LITTERING, OF THE MUNICIPAL
CODE, UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH INCORPORATION**

Whereas, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.

Therefore the Petersburg Borough Ordains, the existing provisions for Chapter 9.12 Littering, as noted with amendments below, are hereby approved and adopted as a borough ordinance to be administered on an areawide (borough-wide) basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to update Code language to reflect borough incorporation.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (now Service Area 1) Municipal Code, Chapter 9.12 are hereby transferred and incorporated into this borough ordinance, and shall read as follows. Chapter and section numbers from the prior city code are retained for future referencing and codification of the Borough Code.

Chapter 9.12 - LITTERING

Sections:

- 9.12.010 - Definitions.
- 9.12.020 - Prohibited—Public places.
- 9.12.030 - Prohibited—Parks.
- 9.12.040 - Prohibited—Lakes and waters
- 9.12.050 - Prohibited—Occupied private property.
- 9.12.060 - Prohibited—Vacant lots.
- 9.12.070 - Prohibited—Thrown by persons in vehicles.
- 9.12.080 - Prohibited—Truck loads causing litter.
- 9.12.090 - Dropping litter or handbills from aircraft prohibited.
- 9.12.100 - Sweeping litter into gutters prohibited.
- 9.12.110 - Proper placement of litter in receptacles.

- 9.12.120 - Responsibilities of property owners and occupiers .
- 9.12.130 - Clearing of litter from private property by Borough.
- 9.12.140 - Handbills—Distribution in public places restricted.
- 9.12.150 - Handbills—Placing on vehicles prohibited.
- 9.12.160 - Handbills—Depositing on uninhabited or vacant premises prohibited.
- 9.12.170 - Handbills—Distributors to respect notices proscribing distribution.
- 9.12.180 - Handbills—Manner of distributing at inhabited private premises.
- 9.12.190 - Posting notices on public structures prohibited.
- 9.12.200 – Penalty for violation

9.12.010 – Definitions.

A “handbill” is a small printed advertisement, announcement or other notice, usually for distribution by hand.

“Litter” is recyclables, refuse, and other trash as defined in Section 14.12.010, and all other waste material, including cigarette and cigar butts and any other smoking paraphernalia which, if thrown or deposited as herein prohibited, tends to create a danger or nuisance to public health, safety and welfare.

9.12.020 - Prohibited—Public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Borough, except in applicable public refuse or recycling receptacles, in authorized private receptacles for collection, or in disposal areas designated by the Borough.

9.12.030 - Prohibited—Parks.

No person shall throw or deposit litter in any park within the Borough, except in applicable public refuse or recycling 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.

9.12.040 - Prohibited—Lakes and waters.

No person shall throw or deposit litter in any lake, stream, creek, ocean or any other body of fresh or salt water within the Borough.

9.12.050 - Prohibited—Occupied private property.

No person shall throw or deposit litter on any occupied private property within the Borough whether owned by such person or not, except that the owner or person in control of private property shall secure and maintain authorized private receptacles for collection of litter in such a manner that litter will be prevented from being carried or deposited by animals or the elements upon any streets, sidewalk or other public place or upon any private property.

9.12.060 - Prohibited—Vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the Borough whether owned by such person or not.

9.12.070 - Prohibited—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 Borough or upon private property.

9.12.080 - Prohibited—Truck loads causing litter.

- A. No person shall drive or move any truck or other vehicle within the Borough 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 Borough, the wheels or tires of which carry unto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.
- B. Any person in charge of operating any truck or other vehicle, having knowledge of that truck or vehicle causing litter to be deposited within the Borough, shall immediately take all necessary steps to cease such littering, and cause to be removed all litter which was deposited as a result of the operation of that truck or other vehicle.
- C. Any person in charge of operating any truck or other vehicle having knowledge of that truck or other vehicle causing litter to be deposited within the Borough who is unable, for any reason except personal injury, to immediately cease such littering and cause it to be removed, shall immediately report such littering to the Borough manager or any other agent designated by the Borough. Removal of such litter may then, if deemed in the public interest, be removed at the expense of the owner or operator of the truck or other vehicle causing the litter. Such removal or cleanup shall be to the satisfaction of the Borough manager or the manager's agent.

9.12.090 - Dropping litter or handbills from aircraft prohibited.

No person in an aircraft shall throw out, drop or deposit within the Borough any litter or handbill.

9.12.100 - Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

9.12.110 - Proper placement of litter in receptacles.

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. Public litter receptacles shall not be used for the deposit of household litter, dead animals or other putrescible matter.

9.12.120 - Responsibilities of property owners and occupiers .

- A. Premises. The owner, lessee or other 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.

- B. Adjoining Sidewalks. Persons owning, leasing or otherwise occupying property or places of business shall keep the sidewalk adjoining their premises free of litter, mud and dirt.

9.12.130 - Clearing of litter from private property by Borough.

- A. Notice to Remove. The Borough manager is authorized and empowered to notify the owner of any private property within the Borough, or the agent of such owner, to properly dispose of litter located on such owner's property. Such notice shall be by registered mail, addressed to the owner at his last known address as shown on the assessment rolls of the Borough. No notice is required hereunder prior to borough action in the case of a health or safety emergency.
- B. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within ten days after receipt of written notice provided for in subsection A, or within ten days after the date of such notice in the event the same is returned to the Borough because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the agent designated by the Borough is authorized and empowered to pay for the disposing of such litter or to order its disposal by the Borough.
- C. Charge Included in Refuse Bill. When the municipality has effected the removal of litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of ten and one-half percent (10.5%) percent per year from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular refuse collection bill forwarded to such owner by the Borough. Said charge shall be due and payable by the owner at the time of payment of such bill. The costs incurred hereunder by the Borough may also be collected through institution of a civil action.

9.12.140 - Handbills—Distribution in public places restricted.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Borough, nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful on any sidewalk or other public place within the Borough, excluding a public street or other vehicle right-of-way, for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

9.12.150 - Handbills—Placing on vehicles prohibited.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

9.12.160 - Handbills—Depositing on uninhabited or vacant premises prohibited.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

9.12.170 - Handbills—Distributors to respect notices proscribing distribution.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises 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 their privacy disturbed, or to have any such handbills left upon such premises.

9.12.180 - Handbills—Manner of distributing at inhabited private premises.

- A. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in [Section 9.12.170](#), 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, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifting about such premises or sidewalks, streets, or other public place, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
- B. The provisions of this section shall not apply to the distribution of mail by the United States, nor to the delivery of newspapers, except that 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.

9.12.190 - Posting notices on public structures prohibited.

No person shall post or affix any notice, poster or other paper calculated to attract the attention of the public to any lamp post, public utility pole, traffic, parking or street sign or control device or tree, plant or planter located in a public place, or upon any public structure or building, except as may be authorized or required by law, or as designated by a borough official.

9.12.200 – Penalty for violation.

- A. A person who violates a provision of this Chapter shall be guilty of a violation, and shall be subject to a fine as provided in Chapter 1.16 of the borough code.
- B. A person who violates a provision of this Chapter is also liable for all costs and expenses incurred by the borough in the clean up and remedy of the violation, and administrative costs and attorney fees incurred by the borough as a result of the violation.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective areawide immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____, 2013.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: