

CITY OF DYER, ARKANSAS

ORDINANCE NO. 5-19-2009-01

AN ORDINANCE ESTABLISHING LITTER CONTROL WITHIN THE CITY LIMITS OF DYER, ARKANSAS; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dyer acknowledges that litter is a problem throughout the city and in certain areas and thoroughfares an epidemic, and the city wishes to improve the quality of life of its citizens by instituting litter control measures.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: The term *litter* is defined as all waste material which has been discarded or otherwise disposed of as prohibited in this subchapter, including, but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other postconsumer solid wastes. *Litter* shall not mean wastes from the primary processing of mining, logging, sawmilling, or farming, the raising of poultry, manufacturing, or wastes deposited in proper receptacles.

SECTION 2: It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this city or upon or into any river, lake, pond, or other stream or body of water within this city, unless:

- (1) The property has been designated by the Arkansas Department of Environmental Quality as a permitted disposal site;
- (2) The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters; or
- (3)(A) The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance, or a fire hazard.
(B) However, a property owner shall not be held responsible for actions of his tenant.

SECTION 3: If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle.

SECTION 4: (a)(1)(A) A person convicted of a violation of this ordinance for a first offense shall be fined in an amount of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000).

(B) An additional sentence of not more than eight (8) hours of community service shall be imposed under this subsection.

(2)(A) A person convicted of a violation of this ordinance for a second or subsequent offense within three (3) years of the first offense shall be fined in an amount of not less than two hundred dollars (\$200) and not more than two thousand dollars (\$2,000).

(B) An additional sentence of not more than twenty-four (24) hours of community service may be imposed under this subsection.

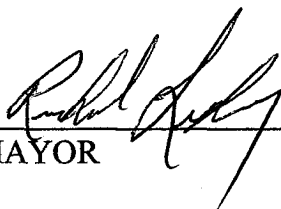
(b) In addition to those penalties, any violator may also be required to remove litter from alongside streets and at other appropriate locations for any prescribed period.

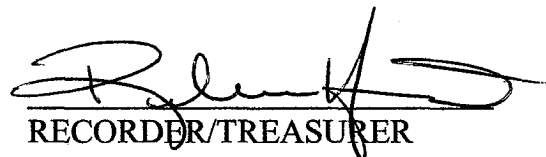
SECTION 5: This ordinance may be enforced by any law enforcement official of the State of Arkansas including members of the Dyer Police Department.

SECTION 6: All prior ordinances that conflict with the terms and provisions of this ordinance are hereby repealed.

SECTION 7: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because of the currently existing unsightly and unsanitary conditions existing within the City of Dyer caused by the presence of litter and the actions of litterers and the hazards these conditions pose to the citizens. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 19th DAY OF May 2009.


MAYOR


RECORDER/TREASURER