

1 Introduced December 21, 2004, by Council
2 Members Canada and Burkhalter, seconded by
3 Council Members Cusimano and Cromer

4 **Item No. 04-12-2478**

5
6 **ORDINANCE NO. 3247**

7
8 An ordinance amending the Code of Ordinances of the City of Slidell, Chapter
9 13 Environment, to provide for additional prohibitions against littering and to establish an
10 Adopt-A-Street Program.

11 WHEREAS, littering has become an increasingly serious and detrimental
12 problem within the City; and

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14 WHEREAS, the City's Code of Ordinances currently prohibits many forms of
15 littering but those prohibitions are not located in the same chapter of the code; and

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17 WHEREAS, a comprehensive anti-litter ordinance would facilitate
18 enforcement and assist in alleviating the problem;

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21 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that:

22 (1) Article III be and the same is hereby added to Chapter 13 to read as follows:

23
24 **"Article III. Litter**

25
26 **Section 13-32. Definition.**

27 As used in this Article, "litter" means garbage, cigarette or cigar butts, refuse, waste
28 materials, or any other discarded, used or unconsumed substance which is not handled as
29 specified in this Article. "Litter" shall also include signs not in conformance with the City's
30 sign ordinance.
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34 **Section 13-33. Enforcement.**

35 (a) Regulations promulgated in this Article shall be enforced by the Department of
36 Building Safety and the Slidell Police Department.
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4 (b) The Department of Building Safety and the Slidell Police Department are hereby
5 empowered, as agents of the City, to issue citations to appear in court to any person
6 believed to be responsible for damaging the city by depositing litter within the City.
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9 **Section 13-34. Penalty for violations of Article.**

10 (a)(1) Whoever violates the provisions of this Article shall, upon first conviction be
11 fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred
12 Fifty Dollars (\$250.00) and sentenced to serve four hours of community service
13 in a litter abatement work program as approved by the court.
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17 (2) Upon second conviction, an offender shall be fined not less than Two Hundred
18 Fifty Dollars (\$250.00) nor more than Three Hundred Fifty Dollars (\$350.00)
19 and sentenced to serve eight hours of community service in a litter work
20 abatement work program as approved by the court.
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24 (3) Upon third or subsequent conviction, an offender shall be fined not less than
25 Three Hundred Fifty Dollars (\$350.00) nor more than Five Hundred Dollars
26 (\$500.00), be imprisoned for not more than six months, or sentenced to serve
27 not less than 24 hours of community service in a litter abatement work program
28 as approved by the court, or all or any combination of the aforementioned
29 penalties.
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33 (4) The judge may require an individual convicted of a violation of this Article to
34 remove litter from public streets, public rights-of-way, public parks, public
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4 playgrounds or other appropriate locations for any prescribed period of time in
5 lieu of the penalties prescribed in this Article.
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7 (b) A person may be found guilty and sentenced under this section although
8 commission of the offense did not occur in the presence of an enforcement officer if the
9 evidence presented to the court establishes that the defendant has committed the offense.
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11 (c) For purposes of this Article, each occurrence shall constitute a separate
12 offense.
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14 (d) In addition to the penalties otherwise provided in this Article, a person convicted
15 under this Article shall repair or restore property damaged by or pay damages for any
16 damage arising out of violation of this Article.
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20 **Section 13-35. Abatement by the City.**
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22 The Director of Building Safety, or his designee, where premises are in violation of
23 any section of this Article, is hereby empowered to enter upon the premises and thereupon
24 correct or cause to be corrected the unclean conditions, charge the property owner for the
25 correction thereof, and/or place a lien on such land in the same amount and in accordance
26 with the notice procedure provided for under section 16-23 of this Code.
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30 **Section 13-36. Recovery by City of expenses of litter removal.**
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32 The City is damaged by the depositing of litter within the City, and the cost of litter
33 removal has become a significant expense of the City. It is intended that persons
34 responsible for such expenses shall bear the cost of such removal. In order to recover the
35 cost of litter removal, the City may bring a civil action against any person believed to be
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4 responsible for depositing litter, and/or file liens against the property in accordance with
5 law.
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7 **Section 13-37. Discharge of liquid refuse into streets.**
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9 No person shall willfully discharge or cause to be discharged any wastewater or
10 liquid refuse in or upon any public street or alley, and no wastewater or other liquid waste
11 shall be placed or discharged upon any premises within the City used for business or
12 industrial purposes so as to permit it to blow or drain upon or into any street or alley.
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14 **Section 13-38. Improper handling of solid waste; penalties.**
15

16 It shall be unlawful for any person to permit the accumulation, scattering, spilling or
17 other handling of solid waste, trapped litter or other waste matter on his property or on the
18 area between his property line and the riding surface of the abutting thoroughfares, except
19 in the manner provided by this Article.
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22 **Section 13-39. Depositing litter prohibited.**
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24 It shall be unlawful for any person, whether in person or by his agent, employee or
25 servant, to cast, blow or cause to be blown with a leaf blower or any other apparatus,
26 throw, sweep, sift or deposit in any manner in or upon any public way or other public place
27 in the City or in any river, canal, public water, drain, sewer or receiving basin within the
28 jurisdiction of the City, any kind of litter, dirt, rubbish, waste article, thing or substance
29 whatsoever, whether liquid or solid. Nor shall any person cast, throw, sweep, sift or
30 deposit any of the aforementioned items anywhere within the jurisdiction of the City in such
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4 a manner that they may be carried or deposited, in whole or in part, by the action of the
5 sun, wind, rain or snow, into any of the aforementioned places.

7 **Section 13-40. Duty to place in containers.**

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9 (a) No person shall throw or deposit litter in or upon any street, sidewalk or other
10 public place except in public containers or in authorized containers for collection.

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12 (b) Persons placing litter in public containers or in authorized private containers
13 shall do so in a manner so as to prevent it from being carried or deposited by the elements
14 (wind, rain, etc.) upon any drain, ditch, street, sidewalk or other public place or upon
15 private property.
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19 **Section 13-41. Sweeping litter into gutters; cleanliness of sidewalks.**

20 No person shall sweep into or deposit in any gutter, drain, street or other public
21 place the accumulation of litter, grass clippings or leaves from any building or lot or from
22 any private or public sidewalk or driveway. Persons owning or occupying property shall
23 keep their premises free of litter, including sidewalks, service alleys, parking areas and
24 gutters.
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29 **Sec. 13-42. Merchants' duty to keep sidewalks free of litter.**

30 No person owning or occupying a place of business shall sweep into or deposit in
31 any gutter, drain, street or other public place the accumulation of litter from any building or
32 lot or from any public or private sidewalk or driveway. Persons owning or occupying
33 places of business shall keep all premises, including sidewalks, service alleys and parking
34 areas of their business free of litter.
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4 **Section 13-43. Litter in parks, fountains and waterways.**

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6 (a) No person shall throw or deposit litter in any park except in public receptacles
7 and in such manner that the litter will be prevented from being carried or deposited by the
8 elements upon any part of the park or upon any street or other public place. Where public
9 receptacles are not provided, all litter shall be carried away from the park by the person
10 responsible for its presence and properly disposed of elsewhere as provided in this article.
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14 (b) No person shall throw or deposit litter in any fountain, pond, lake, stream, ditch,
15 canal or any other body of water in a park or elsewhere.
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17 **Section 13-44. Litter on private property.**

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19 No person shall throw or deposit litter on any occupied or unoccupied private
20 property, whether owned by that person or not, except that the owner or person in control
21 of private property may maintain authorized private receptacles for litter disposal in a
22 manner that the litter will be prevented from being carried or deposited by the elements
23 upon any drain, ditch, street, sidewalk or other public place or upon any private property.
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27 **Sec. 13-45. Litter on vacant lots.**

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29 No person shall throw or deposit litter on any open or vacant private property,
30 whether owned by that person or not.
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32 **Sec. 13-46. Owner to maintain premises free of litter.**

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34 The owner or person in control of any private property shall at all times maintain the
35 premises free of litter on any open or vacant private property, whether owned by that
36 person or not.
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4 **Sec. 13-47. Spillage and dumping of concrete and asphalt cement or gravel.**

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6 It shall be unlawful for any person to allow concrete cement, asphalt cement or
7 gravel to be spilled on City streets during transport, or to be dumped onto City streets or
8 rights-of-way, or to be dumped or washed into drains, catch basins, ditches, or canals, or
9 for equipment to be washed so that any residue of sand, gravel, cement or asphalt is
10 deposited by runoff onto City streets or rights-of-way or into the City drainage system,
11 ditches or canals or for the cement residue from any cement plant operation to be allowed
12 to wash onto streets or into the City drainage system, ditches or canals.
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17 **Sec. 13-48. Certain vehicles to be covered; littering prohibited.**

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19 (a) *Driver liability; citations authorized.* It shall be unlawful for any person, whether
20 in person or by his agent, employee or servant, to use any vehicle to haul any kind of dirt,
21 rubbish, waste articles or things of substance, whether liquid or solid, unless such vehicle
22 is covered or the materials being hauled are confined in such a manner as to prevent all or
23 any part of its load from leaking, spilling or dropping, at all times while such vehicle is in
24 motion, on any street or alley in the City. All vehicles and/or equipment used for the
25 purpose of hauling materials shall be tarped, netted, tied, covered or confined in such a
26 manner so as to prevent the contents thereof from spilling, blowing or otherwise being
27 deposited on any street or alley in the City. Provided, however, that the requirements in
28 this section for covering such vehicles shall not apply to vehicles carrying brush cuttings,
29 tree trimmings, branches, logs and similar material, if such matter is securely lashed or
30 fastened to such vehicle to prevent spilling or dropping as aforesaid. Improperly covered
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4 vehicles traveling upon any road, street or other public thoroughfare within the corporate
5 limits of the City may be cited for such violation by the Slidell Police Department.
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7 (b) *Litter thrown from vehicles.* No person, whether the driver or a passenger in a
8 vehicle, shall throw or deposit litter upon any street or other public place, or upon private
9 property. The driver of the vehicle shall be liable for litter thrown from the vehicle, and
10 shall be cited for such litter, whether or not the litter is deposited by the driver or
11 passengers of the vehicle.
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14 **Sec. 13-49. Additional Provisions.**
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16 The provisions of this Article shall be in addition to any other provisions of law."
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18 (2) Article IV be and the same is hereby added to Chapter 13 to read as follows:
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20 **Article IV. Adopt-A-Street Program.**
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22 **Sec. 13-50. Established.**
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24 In order to fulfill the obligations and responsibilities assigned to it by the citizens and
25 to conserve and protect the natural resources of Slidell, the City hereby establishes a
26 program to be known as "Adopt-A-Street," whereby citizens, civic clubs, schools,
27 commercial establishments, industrial establishments, church groups and other
28 organizations can adopt up to two miles of street shoulders, medians, neutral ground or
29 other street rights-of-way not commonly used by vehicular traffic within the corporate limits
30 of the City for the sole purpose of cleaning and/or removing litter along such portions of a
31 street or streets.
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4 **Sec. 13-51. Application procedures.**

5 Any organization desiring to participate in the Adopt-A-Street program shall make
6 application therefor with the Director of Public Operations. All such applications shall
7 include, as a minimum, the following:
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10 (a) An agreement signed by the applicant agreeing to hold the City harmless from
11 injuries arising out of the conduct of the Adopt-A-Street Program on a form approved by
12 the City Attorney.
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15 (b) An expression of willingness by all participants to attend a safety workshop to
16 be provided by the City.
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19 (c) An expression of willingness to notify the City at least one week prior to the date
20 of cleanup.
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22 (d) An agreement to clean the identified portions of a street, or streets, a minimum
23 of four times a year.
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25 (e) An agreement to secure safety vests at least a day before a scheduled cleanup
26 from the Department of Public Operations and to return them as agreed upon following the
27 cleanup.
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30 (f) An expression of willingness by the organization to provide, at its own expense,
31 plastic bags, which may be left by the side of the street for pickup by City workers or a City
32 designated contractor.
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35 **Sec. 13-52. Responsibilities of City.**

36 The City will be responsible for the following.
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4 (a) Installation of small informational signs in compliance with the City sign
5 ordinance indicating the street sections under adoption and the name of the adopting
6 organization, subject to available funding.
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9 (b) Providing safety workshops to all adopting organization participants prior to any
10 work being performed.
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12 (c) Providing safety vests to all adopting organization participants.
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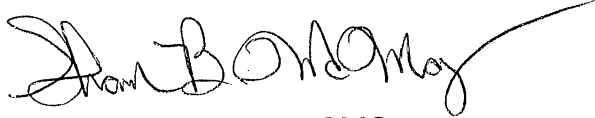
14 (d) Removing bagged litter from City streets.
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16 (e) Providing warning signs prior to collection activities taking place."
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18 **ADOPTED** this 11th day of January, 2005.

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20 
21 Marti Livaudais
22 President of the Council
23 Councilwoman-at-Large

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25 
26 Ben O. Morris
27 Mayor

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29
30 Shawn B. McManus, CMC
31 Clerk of the Council
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DELIVERED	9:00 a.m.
1-13-05	to the Mayor
RECEIVED	1:45 p.m.
1-14-05	from the Mayor