

STAFF REPORT

DATE: March 9, 2023

TO: Governing Body

FROM: City Attorney

RE: Littering



Littering is well defined in the UPOC/STO incorporated code and the definition is consistent with that of State Statute. Attorney does not see issues with how this code is written and doesn't believe changes to the code would help with the key issue here—enforcement.

Challenges with enforcing Littering cases: proving intent to recklessly deposit would be required in court;

Article 6 of the City Code refers to the City UPOC/

STO (a) Criminal littering is **recklessly depositing** or causing to be deposited any object or substance into, upon or about:

- (1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or
- (2) Any private property without the consent of the owner or occupant of such property

State Statute enforcement is a bit easier, however witness would have to see the 'throwing':

- **8-15,102. Littering.** (a) No **person shall throw**, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon any highway, road or street. The driver of the vehicle may be cited for any litter thrown, placed or dropped from the motor vehicle, unless any other person in the motor vehicle admits to or is identified as having committed the act.

Recommendation: Consider Staff capacity to patrol areas that are being littered and feasibility of installing cameras in those areas. Use educational material and reminding volunteer organizations of the opportunity to clean up areas of the community as a general concept and not through a City program.

Attorney would caution on Adopt-A-Road programs being initiated by the City. Such programs would need oversight from the City, training and safety equipment, and signed waivers by each participant.