

CHAPTER 23

Litter

Section 23.1 Definitions

Section 23.2 Littering prohibited

Section 23.1 Definitions

(1) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(2) "Litter" means garbage, refuse, rubbish, and all other waste material.

(3) "Public place" means any street, sidewalk, alley, or other public way and any public park, square, space, grounds, or building.

(4) "Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic, and similar materials.

(5) "Refuse" means all putrescible and nonputrescible solid waste, other than body waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles and solid market and industrial wastes.

(6) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ordinance No. 6 of 1992)

Section 23.2 Littering prohibited (Source R.S. 25:1111)

(a) No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission, or escape of, or otherwise dispose of litter upon any public place, upon private property not owned by him, or in or on the waters, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, recreational area, trailer park, highway, road, street, or alley, except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions or by the municipality for the disposal of garbage and refuse and such person is authorized to use such property for such purpose.

(2) When litter is placed into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any parts of said private or public property or waters.

(b) If the throwing, dumping, or depositing of litter was done from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the

conveyance. Likewise, once it is established that thrown, dumped, or deposited litter was possessed by a specific person, firm, or corporation, immediately before the act of dumping, there shall be a permissive rebuttable presumption that the possessor committed the act of throwing, dumping, or depositing.

(c) The offender shall be cited for the offense by means of a ticket, summons, or other means provided by law.

(d)(1) Whoever violates this section shall, upon first conviction, be fined not less than fifty (\$50) dollars.

(2) Upon second conviction, an offender shall be fined not less than three hundred (\$300) dollars and sentenced to serve eight (8) hours of community service in a litter abatement work detail as approved by the court.

(3) Upon third or subsequent conviction, an offender shall be fined five hundred (\$500) dollars, be imprisoned for not more than sixty (60) days, or sentenced to serve twenty-four (24) hours of community service in a work detail as approved by the court, or all or any combination of the aforementioned penalties.

(4) The judge may require an individual convicted of a violation of this section to remove litter from state and local highways and streets, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of or in addition to the penalties prescribed in this Section.

(e)(1) A person may be found guilty and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the preponderance of the evidence presented to the court indicates that the defendant has committed the offense.

(2) When litter dumped in violation of this section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, it shall be a permissive rebuttable presumption that such person has violated this section.

(f) In addition to penalties otherwise provided, a person convicted under this section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the unlawful dumping of litter.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies. (Ordinance No. 6 of 1992; Ordinance No. 4 of 1993; Ordinance No. 5 of 1996)