

Sec. 90-1. Littering prohibited.

(a) Definitions. As used in this section:

(1) *Litter* means garbage, rubbish, waste, trash, or debris. For the purposes of this section, this includes, but is not limited to: refuse; can; bottle; box; container; paper; leaflets; circulars; advertising material; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; decaying vegetative matter; exposed salvageable material or other manmade materials; refuse from residential, commercial, or industrial activities; animal waste; recyclable material; personal items, including clothing and household goods; kitchen and table food waste or other waste that is attendant with or results from the storage, preparation, cooking or handling of food material; wood scraps; yard waste, tree or landscape debris and rotting fruit; cardboard; cloth; glass; rubber; plastic; carpet; discarded vehicles, vehicle tires or other vehicle or watercraft fixtures or parts; household goods and appliances; tools and equipment that are broken, derelict, or otherwise in disrepair; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(2) *Person* means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

(3) *Dump* means to dump, throw, discard, place, deposit, distribute, attach, dispose of, or to cause to be dumped, thrown, discarded, placed, deposited, distributed, attached, or disposed of.

(4) *Motor vehicle* means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle.

(5) *Vessel* means a boat, barge, or airboat or any other vehicle used for transportation on water.

(b) Dumping litter prohibited. Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefore. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(2) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the county. When any litter is dumped from a vessel, the operator or owner of the vessel, or both, shall be deemed in violation of this section; or

(3) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(c) In the trial of a person charged with violating this section, the county does not have the burden of proving that the person did not have the right or authority to dump the litter or that litter dumped on private property causes a public nuisance. The defendant has the burden of proving that he or she had authority to dump the litter and that the litter dumped does not cause a public nuisance.

(d) Enforcement of other regulations. This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

(Ord. No. 03-31, § 2, 11-4-03)

Editor's note: Ord. No. 03-31, § 2, adopted Nov. 4, 2003, repealed section 90-1 in its entirety and replaced it with a new section 90-1. Former section 90-1 pertained to the

prohibition on dumping of trash, garbage or refuse on right-of-way or public property, and derived from the Code of 1970, § 20-6(a); Ord. No. 71-01, § 1, adopted March 9, 1971.

State law references: Littering, F.S. § 403.413.
Secs. 90-2--90-25. Reserved.