

Regulation # [] - Litter Control

SECTION I. Purpose:

A regulation to establish requirements to control littering in **[insert name of Highway Agency]** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this regulation, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Litter" means any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- B. "Litter Receptacle" means a container suitable for the depositing of litter.
- C. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State that is subject to the Highway Agency's jurisdiction.

SECTION III. Regulated Activities:

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this regulation, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this regulation.

SECTION IV. Exemptions:

None

SECTION V. Enforcement:

This regulation shall be enforced by the **[Police Department and/or other Officials of insert name of Highway Agency]**.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this regulation shall be subject to a fine no less than \$100 and not to exceed \$500.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Regulation is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Regulation to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Regulation.

SECTION VIII. Effective Date:

This Regulation shall be in full force and effect from and after its adoption and any publication as may be required by law.

Adoption Date: _____

Approved By: _____