

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2020-11

AN ORDINANCE TO AMEND ARTICLE 15, GENERAL OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, SECTION 15-212, LITTERING

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212, Littering;

WHEREAS, the Town Council believes that it is appropriate to amend Section 15-212 to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section; and

WHEREAS, the Town Council wishes to amend Section 15-212 to address these issues.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 **Purpose**

The purpose of this Ordinance is to amend Article 15, General Offenses, Chapter 2, Offenses Against Public Peace, Section 15-212 Littering to address issues related to the prosecution of littering charges under this Section and to clarify who can be held responsible for violations of the Section.

Section 2 **Ordinance Amendments**

Section 15-212 amended as follows (additions in red type):

(a) No person may ~~place or cause or allow to be placed or disposed of in any manner any dump, throw, drop, deposit, discard, or otherwise dispose of~~ litter or other solid waste upon any public or private property ~~except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter.~~ Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(b) No person may ~~place or cause to be placed dump, throw, deposit, discard, or otherwise dispose of~~ litter, other solid waste or yard debris in any lagoon, stream, or other waterway, except during the maintenance of bodies of water by authorized personnel.

(c) No person may ~~place or cause to be placed~~ any litter or other solid waste, including recyclable material, at any waste collection site within the Town except in an authorized receptacle provided expressly for the purposes of retaining such litter or waste matter. Persons placing litter or waste matter in an authorized receptacle shall do so in such a manner as to prevent the litter or waste matter from being carried or deposited by the elements outside of the receptacle.

(d) “Litter” means any organic or inorganic waste material, rubbish, refuse, garbage, recyclable material, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

(e) Whenever any litter or other solid waste which is placed or caused to be placed in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing, which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

(f) Any person may be held in violation of this ordinance if they direct, advise, or cause a third party place litter or waste matter in violation of this ordinance.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ____ DAY OF _____, 2020.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

1st Reading:

2nd Reading: