

Anchorage Police Department Regulations and Procedures Manual	Operational Procedures 3.01.080	
Policy and Procedure Title Littering	Effective Date 8/12/2020	Page 1 of 4
Replaces Prior Policy: 08/10/09	Approved by: Chief Justin Doll	

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

3.01.080 Littering

PURPOSE

To advise all personnel of the various statutes and ordinances governing littering, and the proper method of enforcing those laws.

POLICY

That members respond to detected violations of the littering laws by charging the most descriptive ordinance/statute on the proper charging document.

DISCUSSION

The laws governing littering fall into three general categories:

1. Persons who litter,
2. Vehicular/traffic littering,
3. Illegal dumping/unauthorized use of dumpsters.

Depending on which violation is charged, the offense can be a civil fine (written on a Civil Fine Form), an infraction (printed on a Uniform Summons and Complaint Form, just as a traffic infraction would be charged), or as a misdemeanor, charged by arrest with appearance before the Magistrate, or by way of a misdemeanor citation or Order and Conditions-Release Per Schedule (CR-766), as the situation would suggest. Officers, therefore, must be acquainted with the various littering laws, and determine which one best describes the event. This procedure identifies the various laws, their application, and charging methods.

REFERENCES

The following laws are discussed in the procedures section below and appear in the order shown here.

AS 46.06.080 (a). Infraction to litter (5 pounds or less).

AS 46.06.080 (b). Infraction to litter--unsecured load (same as AMC 9.46.060A.).

AMC 9.36.100 A. Infraction to throw dangerous litter on road.

AMC 9.36.100 B. Must remove harmful litter from road.

AMC 9.36.100 C. Person removing a wrecked vehicle must clean the roadway (tow truck operator or citizen).

AMC 9.46.060 A. Vehicle must be constructed or loaded to prevent accidental dropping of load.

AMC 9.46.060 B. Infraction to transport unsecured load or have cover improperly secured.

AMC 14.70.110 Infraction to litter within Municipality.

AMC 15.20.020 B. (4). Infraction to misuse a Dumpster

PROCEDURE

I. APPLICABLE LAWS

- A. **State Statutes.** The applicable Alaska State Statute is AS 46.06.080. Subparagraph (a) makes it illegal for a person to throw, drop, discard, or otherwise dispose of litter from a vehicle or otherwise on public or private property not designated as a litter receptacle or sanitation facility. Subparagraph “(b)” of that same Statute makes it illegal to litter as a result of a vehicle’s load dropping, shifting, leaking, or otherwise escaping (i.e. a “reckless” or “negligent” littering. Subparagraph “(b)” is the equivalent to AMC 9.46.060 A.). Note that both “(a)” and “(b)” are infractions, if the aggregate amount is 5 pounds or less, but criminal if the aggregate amount is more than 5 pounds.
- B. **Municipal Ordinances.** All Municipal Ordinances regarding littering are infractions. The following is a list of associated Municipal Ordinances, with a brief synopsis of what they prohibit:
 1. AMC 9.36.100 A. “No person may throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such street.” If charging this ordinance is contemplated, ensure that the act does not

constitute the similar, but more serious charge of reckless endangerment.

2. AMC 9.36.100 B. “Any person who drops, or permits to be dropped or thrown upon any street any destructive or injurious material shall immediately remove the same or cause it to be removed.” This provision requires a person to immediately remove any harmful debris accidentally placed on a street.
3. AMC 9.36.100 C. “Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the highway from such vehicle.” This is the ordinance that requires the operator of a vehicle to clean the street after an accident, or for the wrecker operator to clean the street when removing a vehicle, he/she is hired to tow.
4. AMC 9.46.060 A “A person commits the crime of failure to secure a load in the first degree if the person, with criminal negligence, violates subsection C. and, as a result of that violation, causes serious physical injury to another person.
5. AMC 9.46.060 B “A person commits the crime of failure to secure a load in the second degree if the person, with criminal negligence, violates subsection C. and damages the property of another person in an amount of \$5,000.00 or more.
6. AMC 14.70.110. “It is unlawful for any person to:
 - a. Litter in or on any property not the person’s own on which the person is not an invitee or licensee, or on any public building, park, recreation area, parking lot, street, or highway; or
 - b. Mar or deface private or public property, including parks and recreation areas, without permission.
7. AMC 15.20.020 B. 4. "Disposal of solid or liquid waste on another's property." No person may deposit or place solid or liquid waste upon any street, alley, or municipal property, , or upon any property owned by another or in a refuse container owned by another except with the written consent of the owner and for the purpose of collection."

II. ILLEGAL USE OF DUMPSTERS

- A. **Description.** Refuse removal service, whether commercial or Municipal is a purchased service. When a person who has not paid deposits refuse in a private-use dumpster, an unauthorized use of that service occurs. Further, the Anchorage Municipal Code regards misuse of a dumpster as depositing trash

on another's property, and prohibits that in AMC 15.20.020 B. 4., cited in section "A." just above.

B. Officer Response. When called to such an event, officers shall regard the act as civil in nature, unless the violation is so great as to warrant investigation as a crime. Note the following:

1. Refuse placed outside the dumpster is littering, as described earlier in this procedure.
2. A gross violation would include filling a dumpster to preclude use by the actual clients.

III. CHARGING

A. Selecting the Proper Law to Charge. With all the various laws dealing with littering, the officer must choose which one(s) to charge. Generally, it should be the one that best describes the event. However, if the choice is between equivalent State or Municipal law, Municipal should be used unless "blending of charges" is being avoided (that is, if other State violations are being charged, do not "blend in" a Municipal code violation).

B. Charging Document and Method. If the violation is an infraction, it should be charged on a Uniform Summons and Complaint as any other infraction (for instance, a noncriminal traffic violation).

C. Evidence. The litter is to be picked up and discarded. It is not to be kept as evidence.

1. Although the inherent nature of litter is garbage and should be thrown away, officers should make it a practice of documenting the violation by taking and logging photographs into evidence.

*****END OF DOCUMENT*****