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Missouri Litter Laws

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Trash, litter, garbage, solid waste, refuse. No matter what you call it, trash is a nuisance when dumped onto our private or public land. Litter is not only an eyesore, but a health hazard. Garbage attracts diseases, provides a home for pests and serves as a breeding ground for their young.

This publication examines sanctions the county prosecuting attorney can take against those who litter on public or private land and roads or on their own property. It also explains procedures to follow if you see someone litter.

Criminal sanctions

The following three Missouri statutes make littering a criminal offense. In addition, municipal or county ordinances may prohibit littering, although most Missouri counties do not have ordinance-making powers. Check with your city attorney or county prosecutor to see if municipal or county ordinances also prohibit littering.

Solid Waste Disposal Act (1972)

In 1972, the Missouri Legislature passed a law regulating the disposal of solid wastes. If you want to read the law yourself, you can find a copy of the Missouri Statutes in local libraries, law schools, county courthouses or law offices. Look at sections 260.200 - 260.245.

The Solid Waste Disposal Act has three primary purposes:

- To prevent the creation of public nuisances.
- To reduce the spread of disease.
- To reduce the spoiling of the environment.

The law prohibits the accumulation and unmanaged disposal of garbage, refuse and filth. It also regulates the operations of garbage collection facilities and services.

Under the 1972 law, no one may dump waste material in any place except a licensed solid-waste disposal area, unless one of the following two exceptions apply. The law does not apply to someone who:

- Dumps his own solid waste on his own property.
- Uses solid wastes in his normal farming operations.

However, these exceptions apply only so long as they do not create a public nuisance or threaten the public health.

Thus, unless your land is a licensed solid waste disposal area, someone who dumps solid waste on your land violates this law. Be aware that you may violate this law by permitting another person to dump solid waste on your land, unless it is part of your normal farming operation.

Punishment for violations may be harsh. The county prosecuting attorney may be able to get a court order requiring that the garbage be removed. Additionally, violators may face fines of up to \$100 per day until the garbage is removed.

Litter Laws (1979)

This law makes it a crime to throw rubbish of any kind onto:

- Any land or waters owned by the state or federal government.
- The private property of another without his or her consent.

If you have the owner's consent, you will not violate this statute if you throw garbage onto his land. However, you probably would be violating the Solid Waste Disposal Act unless the land is a licensed solid waste disposal facility.

Littering is a Class A misdemeanor under the criminal code of Missouri, so anyone convicted of littering may be imprisoned in the county jail for up to one year and/or fined up to \$1,000.

County Option Dumping Ground Law

The county court of each county may choose to use the dumping ground law. The law is not mandatory for every county, but after a county opts for this law, individuals who want to operate a dumping ground must apply to the county court for a license. The county court then forwards the application to the state Division of Health. The applicant gets a permit if the Division of Health and the county court approve the application. Licenses are good for one year and may be renewed.

After this law is in effect in a county, no one may dump refuse, rubbish or garbage anywhere except a disposal area. Violators of this law may be fined up to \$1,000 and/or imprisoned for up to one year in the county jail. However, even if your county has not adopted this option, dumping may violate the litter laws or the Solid Waste Disposal Act.

Civil sanctions against littering

In addition to the criminal sanctions listed previously, you may have certain civil remedies against someone who dumps refuse on your land. You may sue for any damages to your property on the legal grounds of trespass to land (by the garbage someone leaves on your land). Remember this is a remedy you have in addition to the criminal sanctions already mentioned.

You also may have certain civil remedies against persons who dump on land adjacent to yours. You may be able to stop the owner of adjacent land from dumping on her or his property if you can prove the dumping creates a public nuisance or threatens public health.

If someone other than the owner is dumping on adjacent land, you may be able to have the situation declared a nuisance and force the owner (or the dumper) to clean up the area.

Last, if a city owns property that is covered with garbage, you can force the governmental unit responsible for keeping the area clean to police the area. Consult your attorney for the exact legal procedures for these situations.

Some practical considerations

Few official complaints

The enforcement of the various litter laws is slowed by several practical problems. First of all, few official complaints are ever made. Obviously, unless the proper authorities are notified of violations, proper enforcement of these laws is impossible. Many people are not convinced that littering is a serious enough offense to warrant punishing the offender. Even when litterers have been arrested and convicted, their punishment generally has been light. Littering will be difficult to stop until we recognize it as a serious problem.

If you want to report possible littering offenses, contact the sheriff, the highway patrol or a conservation agent. (Conservation agents can usually deal only with violations that occur on public land.) Or you can report the violation directly to the county prosecutor's office.

Identifying the litterer

Another practical problem in enforcing litter laws is identifying the litterer. Occasionally, you may catch someone

dumping garbage. Remember that throwing garbage out the car window is a violation as well as dumping a whole truckload of rubbish. If you do see someone littering, get the following information:

- Description of vehicle.
- License number of vehicle.
- Location.
- Description of offender(s).

Give this information to the authorities when you file your complaint.

A private citizen can technically make an arrest if he or she sees someone littering. However, citizen's arrests usually lead to problems. If you should decide to make a citizen's arrest, don't even consider using any force at all unless you are absolutely sure the person committed the crime. Even then the use of force may be inadvisable, since the person you arrest may be able to sue you if you are wrong about his guilt or if you use excessive force. As a result, few law enforcement officers recommend a citizen's arrest.

Usually, no one sees the illegal dumping. A farmer, while checking her fences, discovers a pile of garbage someone has dumped on her land. A businessman comes home to find that someone has stacked garbage by his disposal cans. Travelers notice garbage alongside a public highway.

It is difficult to figure out who dumped the garbage unless someone saw it happen. If you do find garbage that was illegally dumped, check for envelopes or other papers that might indicate who owned it. The police can take fingerprints from items in the garbage. However, most police laboratories spend their limited resources and time on more serious offenses. Fingerprinting and other scientific techniques are generally not used until the littering has become a serious problem.

If the source of the garbage can be identified, law enforcement authorities will contact him and tell him to clean up the trash. Prosecutors usually send out "litter letters," which inform the offender that his trash was found on someone else's property (public or private property). The letter also says if he cleans up the trash, he won't be prosecuted for littering.

In the vast majority of cases (but not all), the owner of the garbage will clean it up in response to a litter letter. But if the county attorney prosecutes the garbage owner for littering, the county attorney must prove the owner was the one who actually dumped the trash. If an eyewitness can testify that it was the owner who dumped the trash, then the prosecutor's case is simplified considerably. If there are no eyewitnesses, the prosecutor may have a hard time proving the offense. Consequently, the litterer may go unpunished and the landowner is stuck with the job of cleaning up the trash.

Summary

There are criminal and civil remedies to stop littering, but both require reliable evidence. Contact local authorities such as the sheriff or the prosecuting attorney to help you collect the necessary evidence to punish litterers. Trash is an unfortunate consequence of modern living. But trash does not have to spoil our environment or threaten our public health. Responsible citizens and easily accessible public dumping grounds can eliminate the littering problem.

Local information

For more information on this subject, contact your circuit court judge, county prosecuting attorney, county judges, sheriff or attorney.

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