

COVER PAGE FOR ANTI-LITTER ORDINANCE

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CHAPTER 13

ANTI-LITTER

13.01 DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given:

A. Litter: Garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

B. Refuse: All putrescible and non-putrescible solid wastes including ashes, street cleanings, dead animals and all other abandoned personal property and solid market and industrial waste. Refuse includes animal offal, the droppings from pet animals, manure, and night soil.

C. Rubbish: Non-putrescible and solid wastes, both combustible and non-combustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass and other similar materials.

D. Receptacles, private and public: Private receptacles are containers made of durable, rust resistant, water tight, rodent proof, and easily cleaned material with close-fitting fly tight covers. Public receptacles are litter containers which are placed on Town roadways or fastened to poles and maintained by the Town and marked as "litter receptacles".

E. Garbage: Waste resulting from the handling, cooking, processing, preparation, serving, storage and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gases or odors.

13.02 LITTER IN PUBLIC PLACES.

No person shall throw, deposit or cause to be placed, litter upon any street, sidewalk, alley or other public place within the Town except in public receptacles provided by the Town.

13.03 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.

Persons placing litter in public receptacles or in an authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley or other public place or upon private property within the Town.

13.04 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street, alley or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying the property shall keep the sidewalks, entrance walks, parking lots and parking areas in front of or upon their premises free of litter.

13.05 LITTER IN PUBLIC WATERS.

No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay or other body of water in a public or private place or elsewhere within the Town.

13.06 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley or other public place or any private property.

13.07 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

A. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in an authorized private receptacle for collection.

B. COST OF ABATEMENT. If the owner of any private property fails to comply with the provisions of this Ordinance the Town Board, upon notice to the owner, shall impose all costs associated with the clean up against the property owner. If the property owner should fail to pay such costs within a period of sixty (60) days such costs will be assessed against the property as a special assessment.

C. LITTERING AT RAZING OR REMOVAL SITE. No person or owner shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing thus causing a public safety hazard and nuisance, the Building Inspector shall, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, the Town shall cause such work to be done; and the cost thereof shall be borne by the property or the property owner.

13.08 LITTER ON VACANT LOT.

No person shall throw or deposit litter on any open or vacant private property or public property within the Town whether owned by such person or not.

13.09 ANIMAL OFFAL AND OTHER OFFENSIVE WASTES.

It is expressly recognized that animal offal, the droppings from pet animals, manure, and night soil, create a danger to public health, safety and welfare when deposited on the roadway, or

upon the shoulders of public roadways or shoulders of private property. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary manner as provided above.

13.10 LITTER FROM VEHICLES.

A. The operator of every vehicle and trailer transporting solid waste materials or other materials within the Town shall provide proper devices necessary to completely secure the solid waste or other materials. Tarps are required for materials such as paper and plastic products and other material, which because of size, weight and configuration could blow or bounce off the vehicle. Tailgates in an upright position, backboards of at least one (1) foot in height, ropes, chains, straps or a combination of these devices is required to completely secure other solid waste materials or other materials to prevent blowing, bouncing, leaking, falling or spillage. Materials shall not extend above the side, front or back of the cargo carrying portion of the vehicle unless the material is securely fastened to the vehicle.

B. No person shall throw or discard any litter materials out of any vehicle onto any roadway or public or private property within the Town.

13.11 PENALTIES.

Any person who violates any of the provisions of this Ordinance shall be subject to a forfeiture of at least \$50 nor more than \$500. In addition, the person shall be responsible for the costs of cleanup and removal of all refuse, the costs of prosecution and in default of payment of such forfeiture and additional costs, he/she may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that the violation continues is considered a separate offense.