

§ 54-1

LITTERING

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Chapter 54

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[HISTORY: Adopted Liberty Village Board 6-2-69. Amendments noted where applicable.]

§ 54-1. Title.

This ordinance shall be known and may be cited as the "Village of Liberty, New York, Anti-Litter Ordinance."

§ 54-2. Definitions and word usage.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

A. Word usage. When not inconsistent 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.

B. Definitions.

AIRCRAFT — Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air.

AUTHORIZED PRIVATE RECEPTACLE — A litter storage and collection receptacle as required and authorized in the Village of Liberty Garbage and Rubbish Ordinance.¹

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HANDBILL — Any printed or written matter, and sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature which is distributed or handed out on the streets or in public places within the Village of Liberty, but shall not include distribution by mail or distribution of newspapers as herein defined.

LITTER — Garbage, refuse and rubbish, as defined herein, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

¹ Editor's Note: See Ch. 35, Garbage and Rubbish.

NEWSPAPER — Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

PARK — A park, reservation, playground, beach, recreation center or any other public area in the village.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES — Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and all public buildings, grounds, parks, squares and spaces.

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings and dead animals.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

VILLAGE — The Village of Liberty, New York.

§ 54-3. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles, in authorized private receptacles for collection, or in official village dumps or in accordance with Village of Liberty official orders.

§ 54-4. Placement of litter in receptacles.

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

§ 54-5. Sweeping litter into gutters or streets.

No person shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 54-6. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or public place within the village or upon private property.

§ 54-7. Trucks causing litter.

No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street.

§ 54-8. Litter in parks.

No person shall throw or deposit litter in any park within the village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or body of water or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 54-9. Handbills on public property.

No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the village.

§ 54-10. Handbills on private or posted property.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

§ 54-11. Handbills on inhabited private property.

- A. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private

premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 54-12. Posting of notices.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or tree, or upon any public structure or building, except as may be authorized or required by law.

§ 54-13. Litter on private property.

No person shall throw or deposit litter on any private property within the village, except that 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 or other public place or upon any private property.

§ 54-14. Responsibility of private property owner.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The Sanitary Aide is hereby authorized and empowered to notify the owner of any private property within the village or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare.

§ 54-15. Removal of litter from private property by village.

- A. Action upon noncompliance. Upon the failure, neglect or refusal of any owner so notified to properly dispose of litter dangerous to the public health, safety or welfare within five (5) days after receipt of written notice by certified mail addressed to the owner at his last known address, or within ten (10) days after the date of such notice in the event the same is returned to the Village Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, the Sanitary Aide is hereby authorized and empowered to order its disposal by the village.
- B. Charge included in tax bill. When the village has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the village, and said charge shall be due and payable by said owner at the time of payment of such bill.
- C. Recorded statement constitutes lien. Where the full amount due the village is not paid by such owner within thirty (30) days after the disposal of such litter, as provided for in Subsection A above, then, and in that case, the Sanitary Aide shall cause to be recorded in the Village Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses, if unpaid at the time of the preparation of the next Village of Liberty tax bill, shall be added as an additional charge to said tax bill and shall be collected in the manner fixed by law for the collection of taxes. Said sworn statements recorded in

accordance with the provisions herein shall be prima facie evidence that all legal requirements have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest and costs constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law for the collection of unpaid taxes.

§ 54-16. Penalties for offenses. [Amended 7-2-1990 by L.L. No. 4-1990]

Any person violating any of the provisions of this ordinance shall be deemed guilty of disorderly conduct and, upon conviction thereof, shall be fined in an amount not exceeding two hundred fifty dollars (\$250.). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

§ 54-17. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

§ 54-18. Repealer.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.