

TOWN OF DAY
LOCAL LAW #1 - 1994
LITTERING AND DUMPING
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Purpose:

The Town Board has become aware of a growing problem of the dumping of litter, rubbish, refuse, debris, garbage, waste and discarded objects, materials and/or matter of various properties of the Town, including park and recreation areas and highway right of ways, thereby creating unsightly and hazardous conditions and a drain on the resources of the Town for removal and cleanup of those areas.

Definitions:

As used in this local law, the following terms shall have the meaning indicated:

GARBAGE - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and materials such as paper, cardboard, wood, cloth, food cans, glass containers and bottles.

PERSON - Any person, employee, servant, agent, firm, partnership, association, company or organization or entity of any kind.

PUBLIC PLACE - Includes parking areas, rights-of-way, parks, trails, ground or other public areas.

REFUSE - All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish and ashes.

RUBBISH - Nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as yard clippings, metals, wood, glass, bedding, crockery, household appliances, shopping carts, automobiles or parts thereof and similar materials.

STREET - Includes any public street, roadway, highway, land or alleyway.

PROHIBITED ACTS:

A. No person shall deposit, throw, cast, lay or suffer or permit any other person to deposit, throw, cast or lay any waste, letter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the Town.

B. No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage in any street or public place in the Town.

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C. No person, being the owner, driver or manager of an automobile or other vehicle, and no owner of any receptacle, shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or materials, shavings, rubbish, litter, waste materials, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street or public place in the Town.

PENALTIES FOR OFFENSES:

A. Any person violating any of the provisions of this local law, as the same may be from time to time amended, shall be guilty of a violation punishable by imprisonment for not more than fifteen (15) days or by a fine of not more than One Thousand (\$1,000.00) Dollars or both or appropriate community service.

B. Additional Penalties:

(1) Violation of this local law shall subject the offender, for each offense, to a civil penalty as follows:

(a) For the first offense, Five Hundred (\$500.00) Dollars or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

(b) For a second offense, Seven Hundred Fifty (\$750.00) Dollars, or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

(c) For a third and subsequent offenses, One Thousand (\$1,000.00) Dollars or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

C. Each day or part thereof that such violation shall continue shall be deemed to be a separate and distinct violation of the provisions of this local law and shall render the offender liable for a separate penalty for each such violation.

SEVERABILITY:

The declaration of any portion of this local law by a court of competent jurisdiction to be invalid shall not invalidate the portion of this local law not so declared to be invalid, and the remainder of this local law shall remain in full force and effect.

WHEN EFFECTIVE:

This local law shall become effective immediately.