

**Chapter 67**

**LITTERING**

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**[HISTORY: Adopted by the Town Board of the Town of New Baltimore 6-11-85 as L.L. No. 3-1985. Amendments noted where applicable.]**

**§ 67-1. Title.**

This chapter shall be known and may be cited as the "Litter or Dumping Control Law."

**§ 67-2. Legislative intent.**

The legislative intent of this chapter is to safeguard the health, safety and welfare of the inhabitants of the Town of New Baltimore; to safeguard their material rights against unwarrantable invasion; to protect, preserve or maintain property values; and to minimize nuisance, as well as to protect against health hazards.

**§ 67-3. Definitions.**

For the purposes of this chapter, the following terms shall have the meanings indicated:

**ABANDON** - The relinquishment of any item of personal property and/or litter with the intention of not reclaiming it nor resuming its ownership or enjoyment; and intent shall be presumed at the expiration of forty-eight (48) hours from the time of abandonment.

LITTER - Includes:

- A. Garbage, refuse, trash or rubbish or any nauseous or offensive matter, such as material from a kitchen, store, restaurant, food stand, etc.
- B. All waste materials customarily handled or collected by refuse collectors or junk dealers.
- C. Items known as "junk," regardless of size, discarded or abandoned by reason of obsolescence, age or state of repair or intended to be discarded, abandoned or junked.
- D. Discarded reading material, newspapers, magazines or similar paper goods.
- E. Cans, bottles, containers, boxes, cartons or wrappers, with or without contents.

THROWING or DEPOSITING or ABANDONING - Includes throwing from a vehicle of any type or from an aircraft or a boat.

TOWN - The Town of New Baltimore, New York.

**§ 67-4. Prohibited acts.**

- A. No person shall throw, deposit or abandon litter on any property within the Town of New Baltimore, whether public or private and whether or not owned by such person, nor shall any property owner use his land for the dumping of litter or permit such dumping or accumulation of litter on his property by others, except that the owner or person in control of private property shall maintain private receptacles for the collection of litter in such manner that litter will not be carried or deposited by the elements upon the yards or yard or premises of others or upon the streets, roads, highways or public place or places.
- B. Litter not contained in receptacles as aforesaid shall not be stored or piled on land within the town, except to facilitate delivery to the vehicle of a refuse collector, salvage dealer, licensed junk dealer or a person, firm or charitable organization customarily engaged in the removal, purchase, collection or salvage of discarded articles, and, in such case, shall not be so stored in anticipation of such collection for a period in excess of forty-eight (48) hours.

- C. No person shall throw or deposit or abandon litter upon any open or vacant property within the town, regardless of the ownership thereof.
- D. No person shall throw or deposit or abandon litter in or upon any street, highway, walk, park, parking area or other public place within the town, except in public receptacles; provided, however, that no litter defined as garbage shall at any time be thrown or deposited in public receptacles unless such receptacles are specifically designated and marked for the reception of such garbage.
- E. No person shall throw or deposit or abandon any litter or foreign matter of any kind whatsoever in any pool, pond, lake, stream, culvert, reservoir, or its tributaries, or watershed, or any body of water in a park or elsewhere within the town, except that this provision shall not prohibit the authorized treatment and control of pools or reservoirs to control or regulate water purity or aquatic vegetation by persons or corporations having all required permits issued by state, county, town or watershed authorities having jurisdiction over such treatment.
- F. The prohibitions contained herein against the deposit of litter shall include activities such as dumping, the maintenance of dumps for any purpose, including landfill operations, or the use of any property in the town as a dumping ground for the benefit of the owner or any other person. **[Amended 10-14-86 by L.L. No. 3-1986]**

#### **§ 67-5. Penalties for offenses.**

Each and every violation of this chapter shall constitute and shall be a violation as defined in Article 10, § 10.00, Subdivision 3, of the Penal Law and shall be punishable as follows:

- A. By a fine not to exceed one hundred dollars (\$100.) or by imprisonment for a term not to exceed fifteen (15) days.
- B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.