

## LITTERING

### Chapter 59

## LITTERING

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**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 2-9-1982 as L.L. No. 2-1982.<sup>1</sup> Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Brush, Grass and Weeds - See Ch. 36.

Nuisances-See Ch. 78.

### **§ 59-1. Findings; intent.**

It is hereby declared and found that litter carelessly deposited in the Village is the cause of civic and public concern; that litter is a health, fire and safety hazard and pollutant; that litter control can result in substantial savings to taxpayers of the Village; and that litter is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the health, safety and general welfare of the people of the Village.

### **§ 59-2. Definitions and word usage.**

- A. Word usage. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. 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. Words defined. As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PLACE - Any store or group thereof, including shopping centers, shopping plazas and other similar places wherein mercantile activities and services are offered to the public, and shall include all parking areas thereat.

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

HANDBILL - Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature which does any of the following:

- (1) Advertises for sale any merchandise, product, commodity or thing.

- (2) Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of, either directly or indirectly, promoting the interest thereof by sales.
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit.
- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

**LITTER** - Garbage, refuse and rubbish, as defined herein, and all other waste material.

**NEWSPAPER** - Any newspaper of general circulation, as defined by 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 law. In addition thereto, "newspaper" 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.

**NONCOMMERCIAL HANDBILL** - Any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

**PARK** - A park, reservation, playground, beach, recreation center or any other public area in the Village or owned or used by the Village and devoted to active or passive recreation.

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

**PRIVATE PREMISES** - Any 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 any and all public parks, squares, spaces, grounds and buildings.

REFUSE - All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH - Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to beer, soda and other metal cans or tops or flip tops of cans, glass bottles or bottle tops, cigarette packs, candy bar wrappers or any other paper or cellophane wrappings or any materials or object or wood, bedding, yard clippings, leaves and any other 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 Cold Spring.

### **§ 59-3. Throwing litter in public places.**

No person shall deposit or throw litter in or upon any street, sidewalk or other public place within the Village, except in public litter receptacles, in private receptacles for collection or in a public dump or lands officially designated by the Board of Trustees for that purpose.

### **§ 59-4. Manner of placing litter in receptacles.**

Persons placing litter in public or 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.

**§ 59-5. Depositing in gutters or streets.**

No person shall sweep or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or litter from any public sidewalk or driveway.

**§ 59-6. Litter from 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.

**§ 59-7. Vehicles causing litter.**

No person shall drive or move any truck or other vehicle within the Village unless such vehicle is safeguarded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place, nor shall any person drive or move any vehicle or truck within the Village the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

**§ 59-8. 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 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.

**§ 59-9. Litter in public waters.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Village.

**§ 59-10. Handbills in public places.**

No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the Village.

**§ 59-11. Handbills on vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

**§ 59-12. Handbills on vacant premises.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which is temporarily or continuously uninhabited or vacant.

**§ 59-13. Handbills on private premises.**

- A. No person shall throw, deposit or distribute any commercial or noncommercial 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.
- B. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States or 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 or other public place or upon private property.

**§59-14. Litter on private and commercial premises.**

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

**§ 59-15. Maintenance of commercial premises.**

Each owner or person in control of any commercial place, including shopping centers and delivery and parking areas thereat, shall keep said places, parking fields, parking areas, delivery areas and other open areas which are a part of such commercial place free from litter.

**§ 59-16. Maintenance of private premises.**

The owner or person in control of any private property shall at all times maintain such premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for periodic collection by the Village authorities.

**§ 59-17. Preparation of garbage for collection.**

All garbage and refuse shall be placed in metal or heavy plastic containers readily handled by collectors. All papers placed for collection shall be securely bound. Containers shall be set out for collection no earlier than 4 p.m. of the day prior to collection day and removed from Village property no later than midnight of the day of collection. [Amended 6-13-00 by L.L. 2000-4]

**§ 59-18. Litter on vacant lots.**

- A. No person shall throw or deposit litter on any open or vacant private property within the Village, whether owned by such person or not.
- B. The Board of Trustees or its designated representative is hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the Village or the agent of such owner to properly dispose of litter located on such owner's property which is a nuisance or dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner at his last known address.

**§ 59-19. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuance of an offense for each day [twenty-four (24) hours] shall be deemed a distinct and separate violation.

**§ 59-20. Severability.**

If any section or subsection or clause of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the Article, section, paragraph, sentence, clause or provision thereof directly involved in the controversy which such judgment shall have been rendered.

**§ 59-21. Repealer.**

The existing provisions of Chapter 59 of the Code of the Village of Cold Spring are repealed as of the effective date of this chapter, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such prior chapter while such chapter was in effect and prior to the taking effect of the new Chapter 59.

**§ 59-22. Deposit restricted. [Added 9-9-1993 by L.L. No. 7-1993]**

No person shall deposit garbage, litter, rubbish or refuse collected from any commercial place or private premises in any public litter receptacle or private receptacle, other than their own, within the Village of Cold Spring.

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<sup>1</sup> Editor's Note: This local law also repealed former Ch. 59, Garbage, Rubbish and Refuse, adopted 8-11-1931 as Section I of the Code of Ordinances. as amended.