

TOWN OF OTISCO

ANTI-DUMPING AND ANTI-LITTERING ORDINANCE OF 2003

WHEREAS, the Town of Otisco, by Town Board Resolution, adopted an Anti-Dumping Ordinance on July, 8 1996; and

WHEREAS, the Town Board of the Town of Otisco has determined that it is in the interests of the Town to modify the existing prohibitions against unlawful dumping of debris and refuse and to prohibit littering within the boundaries of the Town of Otisco;

NOW, THEREFORE, be it enacted by the Town of Otisco as follows:

The Town of Otisco Town Board hereby resolves that the following Ordinance be enacted to replace and supercede the Town of Otisco Anti-Dumping Ordinance adopted on July 8, 1996 and all ordinances, local laws, rules or regulations dealing with the subject matter hereof which have been previously adopted or enacted by the Town of Otisco

A. Name of Ordinance:

This Ordinance shall be known as the Town of Otisco Anti-Dumping and Anti-Littering Ordinance of 2003.

B. Purpose:

The purpose of this Ordinance is to provide for, and to regulate the disposition of garbage, hazardous materials and rubbish (as such terms are defined in Section C, below), and other debris and materials in the Town of Otisco, and to establish penalties for the disposition of garbage, hazardous materials and rubbish when the disposition of the same is not in conformity with the provisions of this Ordinance.

C. Definitions:

For purposes of this Ordinance, the following terms shall have the following meanings ascribed to them:

1. "Compost Piles" shall mean organic matter, other than animal matter, which is capable of decay but shall exclude "Hazardous Materials", as such term is defined in Section C (3), below and shall exclude "Rubbish" as such term is defined in Section C (5), below.

2. "Garbage" shall mean waste resulting from the storage, handling, preparation, cooking and consumption of food or produce and all waste from discarded animal or vegetable matter capable of fermentation or decay.

3. "Hazardous Materials" shall mean those chemicals or substances which are physical hazards or health hazards as defined and classified in Chapter 27 of the Fire Code and Property Maintenance Code of New York State, and any subsequent or similar provision of law, whether such materials are in usable or waste condition.

4. "Person" shall include one (1) or more individuals, firms, partnerships, organizations, corporations, associations, limited liability companies, or other entities, or combinations thereof, including any municipal corporations.

5. "Rubbish" shall mean tin, copper, steel, iron, aluminum and other metal materials, ashes, cinders, glass, fiberglass, pottery, discarded lumber, wood or soil, paper or paper products, fabrics, plastics, tires, rubber and other synthetic materials and any other discarded substances of a solid or non-solid nature, whether combustible or incombustible.

D. Prohibition Against Accumulation of Garbage, Rubbish or Hazardous Materials:

No Person shall store or accumulate, or allow to be stored or accumulated on any property within the Town of Otisco which is owned by, or which is under the dominion and control of such Person, any Garbage, Rubbish or Hazardous Materials which, in the sole opinion of the Town of Otisco Codes Enforcement Officer, encourages or promotes the growth or infestation of insects or rodents, emits a noxious or offensive odor, is susceptible to leaching or otherwise poses a threat to the health, safety and welfare of Persons or property. Except as specifically provided in Section F, below, no Person shall dispose of Garbage, Rubbish or Hazardous Materials within the Town of Otisco by burying such substances or by dumping such substances on any public or private property, or in any lake, pond, stream, creek or other waterway (hereinafter collectively referred to as "waterway") within the Town of Otisco. All Garbage, Rubbish or Hazardous Materials shall be disposed of through trash removal services duly licensed by the Town of Otisco to collect Garbage, Rubbish and Hazardous Materials or by disposing of such materials at Onondaga Resource Recovery Agency facilities.

E. Prohibition Against Littering:

No Person shall throw, dump, deposit or place, or cause or allow, whether intentionally or negligently, to be thrown, dumped, deposited or placed, any Garbage, Rubbish or Hazardous Materials in, or upon any public highway, road, street, right-of-way, sidewalk, waterway or in, or upon any other public or private property within the Town of Otisco. Nothing herein shall be construed, however, as prohibiting the use of reasonable amounts of ashes, salt, synthetic materials, sand or other materials for the purpose of reducing the hazard of, or providing traction on ice, snow or sleet, nor the placing of Garbage, Rubbish or Hazardous Materials in appropriately secured containers for collection by trash removal services duly licensed by the Town of Otisco to collect Garbage, Rubbish and Hazardous Materials.

F. Exceptions:

1. The prohibitions against the disposal of Garbage and Rubbish within the Town of Otisco as set forth in this Ordinance shall not apply to Persons engaged in businesses, such as farming, which may temporarily store Garbage or Rubbish for ultimate removal, on their own property or on property under their dominion and control, or which may dispose of Garbage or Rubbish on their own property or on property under their dominion and control which Garbage or Rubbish originated from business operations on their own property or on property under their dominion and control, provided that such storage or disposal does not, in the sole opinion of the Town of Otisco Codes Enforcement Officer, encourage or promote the growth or infestation of insects or rodents, or otherwise pose a threat to the health, safety and welfare of other Persons or property within the Town of Otisco and such storage or disposal is otherwise permissible under applicable laws, rules, ordinances or regulations.

2. The prohibitions against the storage or disposal of Garbage and Rubbish within the Town of Otisco as set forth in this Ordinance shall not apply to Persons who maintain Compost Piles for the purpose of fertilization or the enhancement of plants, vegetation or trees, provided that such Compost Piles do not, in the sole opinion of the Town of Otisco Codes Enforcement Officer, encourage or promote the growth or infestation of insects or rodents, or otherwise pose a threat to the health, safety and welfare of other Persons or property within the Town of Otisco.

G. Complaints:

1. Any Person who observes a violation of this Ordinance may file a complaint, duly sworn and under oath, with the Town of Otisco Town Clerk who shall refer such complaint to the Town of Otisco Codes Enforcement Officer or may file a complaint with the appropriate police agency, on forms to be designated by the Town of Otisco or such police agency, as the case may be, specifying the nature of the alleged violation, the date thereof, the name and address of the alleged violator, if known, and such other information as may be requested by the Town of Otisco Codes Enforcement Officer or such police agency. The Town of Otisco Codes Enforcement Officer or such police agency with whom such complaint is filed, as the case may be, shall thereupon investigate such complaint and shall issue an appearance ticket, summons, citation or other legal process or shall take such other action as may be required, to insure that such alleged violation is promptly addressed in the Town of Otisco Justice Court or in such other Court of competent jurisdiction as may be appropriate.

2. In proceedings before the Town of Otisco Justice Court pursuant to this Section, the Town Justice shall promptly thereupon require the alleged violator to appear in person before the Town Justice for a trial or other proceeding, at which trial or proceeding both the complainant and the alleged violator shall have the opportunity to be represented by counsel and to present evidence. If, after such trial or other proceeding, the alleged violator pleads guilty to, or is convicted of violating this Ordinance, he or she shall be punished as provided in Section H of this Ordinance, below.

H. Penalties for Violations:

1. Any Person who pleads guilty to, or is found guilty of violating the provisions of Section E of this Ordinance, above, relating to littering, shall be guilty of an offense, and, upon conviction therefor, shall be punishable by the imposition and collection of the fines set forth in the latest Schedule of Fines established by the Town of Otisco Town Board at its Annual Organizational Meeting of the Town of Otisco Town Board. Upon, and after the effective date of this Ordinance, and until the next Town of Otisco Town Board Annual Organizational Meeting, the fine for each such offense upon conviction therefor, shall be One-hundred and 00/100 Dollars (\$100.00).

2. Any Person who pleads guilty to, is found guilty of violating the provisions of this Ordinance other than the provisions of Section E of this Ordinance, shall be guilty of an offense, and, upon conviction therefor, shall be punishable by the imposition and collection the fines set forth in the latest Schedule of Fines established by the Town of Otisco Town Board at its Annual Organizational Meeting of the Town of Otisco Town Board. Upon, and after the effective date of this Ordinance, and until the next Town of Otisco Town Board Annual Organizational Meeting, the fine for each such offense upon conviction therefor, shall be Five-hundred and 00/100 Dollars (\$500.00).

3. Any Person who pleads guilty to, or is found guilty of violating the provisions of this Ordinance, other than the provisions of Section E of this Ordinance, within two (2) years of a prior conviction under this Ordinance shall be guilty of a misdemeanor, and, upon conviction therefor, shall be punishable by the imposition and collection of the fines set forth in the latest Schedule of Fines established by the Town of Otisco Town Board at its Annual Organizational Meeting of the Town of Otisco Town Board. Upon, and after the effective date of this Ordinance, and until the next Town of Otisco Town Board Annual Organizational Meeting the fine shall be Eight-hundred and 00/100 Dollars (\$800.00) for each such misdemeanor conviction or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment, for each such conviction. Multiple penalties imposed by a Court for multiple violations of this Ordinance which involve imprisonment, may be served concurrently at the discretion of the Court.

4. Any Person who has been assessed a fine as provided by this Section, and who fails to pay such fine within the time prescribed by the Court, may be imprisoned until such fine is paid, for a period not to exceed one (1) day for each day such fine remains unpaid as shall be ordered by the Court. Such imprisonment shall be in addition to any other term of imprisonment or other penalty or punishment that the Court shall impose as a result of such conviction as provided in this Section. Whenever the Court imposes a penalty of imprisonment for a violation of this Ordinance, and also imposes imprisonment for the failure to pay a fine, the Court, in its discretion, may order that the terms of imprisonment may be served either consecutively or concurrently.

I. Severability:

If any section, paragraph, subdivision, or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction in the State of New York to be void, invalid or unenforceable, such adjudication shall apply only to the section, paragraph, subdivision, or provision so adjudged, and the remainder of this Ordinance shall remain valid and in full force and effect.

J. Effective Date/Effect on Prior Ordinances:

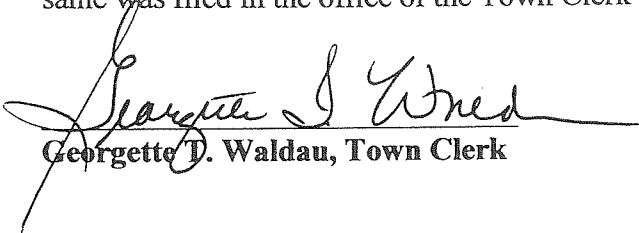
This Ordinance shall be effective immediately. This Ordinance supercedes any prior ordinances, local laws, rules or regulations dealing with the subject matter hereof which have been previously adopted or enacted by the Town of Otisco.

Dated: September 8, 2003.

	<u>Aye</u>	<u>Nay</u>
<u>Roll Call Vote:</u>		
Supervisor Amato	<u>✓</u>	<u>—</u>
Councilman Trendowski	<u>✓</u>	<u>—</u>
Councilman Cook	<u>✓</u>	<u>—</u>
Councilman Edinger	<u>✓</u>	<u>—</u>
Councilman Loetterle	<u>✓</u>	<u>—</u>

**STATE OF NEW YORK, COUNTY OF ONONDAGA
TOWN OF OTISCO**

I, the undersigned, Town Clerk of the Town of Otisco, do hereby certify that the above Ordinance is a true and accurate copy of the original Town of Otisco Anti-Dumping and Anti-Littering Ordinance of 2003 which was passed and adopted by the Town of Otisco Town Board after a Public Hearing at a meeting of the Town Board of the Town of Otisco on September 8, 2003 and same was filed in the office of the Town Clerk on September 8, 2003.


Georgette T. Waldau, Town Clerk

Dated: September 8, 2003.