

**TOWN OF OTISCO
ANTI-DUMPING AND ANTI-LITTERING LAW No. 8 OF 2024**

A LOCAL LAW TO REPEAL THE TOWN OF OTISCO ANTI-DUMPING AND ANTI-LITTERING ORDINANCE OF 2003 AND ENACT A NEW LOCAL LAW PERTAINING TO ANTI-DUMPING AND ANTI-LITTERING IN THE TOWN OF OTISCO.

Be it enacted by the Town Board of the Town of Otisco as follows:

1. Title.

This Local Law shall be known as the "Town of Otisco Anti-Dumping and Anti-Littering Law of 2024".

2. Legislative Intent.

The Town of Otisco, by Town Board Resolution, enacted an Anti-Dumping Ordinance on July, 8 1996, which was subsequently superseded and replaced by Local Law No. 1 of 2003 known as the Anti-Dumping and Anti-Littering Ordinance of 2003 which became effective on September 15, 2003; and

The Town Board of the Town of Otisco has determined that in the interests of the health, safety, and welfare of the inhabitants of the Town of Otisco and the general public, it is necessary and desirable and in the public's interest to further modify the existing prohibitions against unlawful dumping of debris, refuse and garbage and to prohibit littering within the boundaries of the Town of Otisco to maintain cleanliness and continue to promote a healthy environment within the Town; and

The following Local Law is enacted to replace and supersede Local Law No. 1 of 2003 known as the Town of Otisco Anti-Dumping Ordinance of 2003 which became effective on September 15, 2003, and all other Town of Otisco ordinances, local laws, rules, or regulations dealing with the subject matter hereof which have been previously adopted or enacted by the Town of Otisco.

3. Purpose:

The purpose of this Local Law is to provide for and to regulate the disposition of garbage, hazardous materials, and rubbish (as such terms are defined in Section 4, below), and other debris and materials in the Town of Otisco, and to prohibit littering within the Town. In addition, this Local Law establishes 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 Local Law and imposes penalties for littering.

4. Definitions:

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

a. "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 4 (c), below, and shall exclude "Rubbish" as such term is defined in Section 4 (i), below.

b. "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.

c. "Hazardous Materials" shall mean those chemicals or substances which are physical hazards or health hazards as defined and classified in or in any applicable federal or State law the Fire Code of New York State (Fire Code) and any subsequent or similar provision of law, whether such materials are in usable or waste condition.

d. "Litter" shall mean to discard, place, abandon or allow to be discarded, placed or abandoned waste material, including, but not limited to Garbage, Trash, Rubbish or Hazardous Materials.

e. "Person of a Person(s)" 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.

f. "Public Property" shall mean any area accessible to the public, including streets, sidewalks, parks, and public buildings.

g. "Private Property" shall mean any real property owned by individuals or entities, excluding public property.

h. "Property Maintenance Code" shall refer to the Property Maintenance Code of New York State as may be amended from time-to-time.

i. "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.

j. "Town of Otisco" or "Town" shall mean the Town of Otisco, County of Onondaga, State of New York.

k. "Trash" shall mean material or objects being discarded, including, but expressly not limited to refuse, Garbage, Trash, Rubbish or Hazardous Materials.

5. Maintenance of Property Within the Town of Otisco:

In addition to compliance with the provisions of this Local Law, at all times, owners of real property in the Town of Otisco shall comply with the provisions of the Property Maintenance Code of the State of New York, applicable New York State Health Departments laws, rules and regulations and other applicable laws, rules and regulations pertaining to the accumulation and disposal of Rubbish, Trash and Garbage on property located within the Town.

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

No Person shall store or accumulate, or allow to be stored or accumulated, on any Private Property within the Town of Otisco which is owned by, or which is under the dominion and control of such Person, any Garbage, Rubbish, Trash, or Hazardous Materials which, in the sole opinion of the Town of Otisco Code Enforcement Officer, encourages or promotes the growth or infestation of insects, rodents, or vermin, 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 8, below, no Person shall dispose of Garbage, Rubbish, Trash, 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, Trash, or Hazardous Materials shall be disposed of through trash removal services duly licensed by the Town of Otisco to collect Garbage, Rubbish, Trash, or Hazardous Materials, or by disposing of such materials at Onondaga County Resource Recovery Agency (or successor) facilities.

7. 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, Trash, or Hazardous Materials in, or upon any public highway, road, street, right-of-way, sidewalk, waterway, or in, or upon any other Public Property 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.

8. Exceptions:

a. The prohibitions against the disposal of Garbage, Rubbish or Trash within the Town of Otisco as set forth in this Local Law shall not apply to Persons conducting farm operations

engaged in the production of crops, livestock and livestock products, as such terms are defined in NY Agriculture and Markets Law Article 25-AA, and any subsequent or similar provision of law, which may temporarily store Garbage, Rubbish or Trash for ultimate removal on their own property or on property under their dominion and control, which Garbage, Trash or Rubbish originated from farm 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 Code Enforcement Officer, encourage or promote the growth or infestation of insects, rodents, or vermin, 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.

b. The prohibitions against the storage or disposal of Garbage, Rubbish or Trash within the Town of Otisco as set forth in this Local Law 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 Code Enforcement Officer, encourage or promote the growth or infestation of insects, rodents, or vermin, or otherwise pose a threat to the health, safety, and welfare of other Persons or property within the Town of Otisco.

9. Complaints /Enforcement Procedures/Judicial Process:

a. **Complaints.** Any Person who observes a violation of this Local Law may file a complaint on forms to be designated by the Town of Otisco, duly sworn and under oath, with the Town of Otisco Town Clerk who shall refer such complaint to the Town of Otisco Code Enforcement Officer. Such complaint shall specify the nature of the alleged violation(s), the date(s) such alleged violations were observed, the name and address of the alleged violator, if known, and such other information as may be requested by the Town of Otisco Code Enforcement Officer. The Town of Otisco Code Enforcement Officer shall thereupon investigate such complaint and, where warranted, shall issue to the alleged violator a Notice of Violation.

b. **Notice of Violation.** A Notice of Violation shall specify, in writing, the following:

- i) the name and address of the Person alleged to be in violation of this Local Law;
- ii) the address of the property where a violation is alleged to have occurred;
- iii) the date(s) and nature of the alleged violation(s);
- iv) the Section(s) of this Local Law alleged to have been violated;
- v) the necessary action to correct such violation(s);
- vi) a statement that corrective action shall be taken by the alleged violator either within five (5) days from the issuance of such Notice of Violation for a matter deemed by the Code Enforcement Officer, in the Code Enforcement Officers discretion, to be of an urgent nature requiring suppression or removal of an offensive, disorderly, or unsanitary condition which may adversely affect the lives, health,

property and welfare of the public, or within thirty (30) days for a matter deemed by the Code Enforcement Officer to be of a non-urgent nature.

- vii) a statement that within five (5) days of the date provided for corrective action in the Notice of Violation for a violation to be deemed by the Code Enforcement Officer to be of an urgent nature, or within thirty (30) days for a matter deemed by the Code Enforcement Officer to be of a non-urgent nature, the alleged violator named in the Notice of Violation shall deliver to the office of the Code Enforcement Officer a Certificate of Correction, in the manner provided herein;
- viii) a statement setting forth the potential penalties for failure to take the stated corrective action; for failure to appear at a hearing; for failure to timely file a Certificate of Correction, and for filing a false Certificate of Correction;
- ix) a date, time and place for a hearing on the alleged violation before the Town Justice, the date for such hearing being no less than fifteen (15) days nor more than thirty (30) days from the date of service of the Notice of Violation;
- x) a statement advising the alleged violator that no appearance at the scheduled hearing shall be necessary if a Certificate of Correction is delivered to the Code Enforcement Officer within the time provided herein.

c. **Service:** Service of the Notice of Violation shall be accomplished by the Code Enforcement Officer either delivering such Notice of Violation personally to the alleged violator, or to a person of suitable age and discretion at the last known address of the alleged violator followed by the mailing a copy of the Notice of Violation to the last known address of the alleged violator. Where personal service may not be accomplished, service of the Notice of Violation shall be accomplished by mailing such Notice to the alleged violator addressed to the alleged violator's last known address. Service of such Notice of Violation shall be deemed completed on the day of the personal delivery of the Notice of Violation to the alleged violator, or, in the case of service requiring mailing of the Notice, on the day following the Code Enforcement Officer depositing a copy of the Notice of Violation in a United States Post Office mail depository.

d. **Certification of Correction:** At the time the Code Enforcement Officer serves an alleged violator with a Notice of Violation, the Code Enforcement Officer shall also serve a Certificate of Correction, either as part of the Notice of Violation or as a separate document. Upon correcting the condition set forth in the Notice of Violation, the alleged violator shall sign the Certificate of Correction, certifying under oath that the cited condition(s) has or have been corrected. The alleged violator shall deliver the executed Certificate of Correction to the office of the Code Enforcement Officer either (a) in person during regular business hours on or before the first business day following the expiration of the correction period set forth in the Notice of Violation; or (b) by certified mail, return receipt requested, delivery being timely if postmarked within the correction period set forth in the Notice of Violation.

e. **Request for Extension of Time to Comply:** Notwithstanding any provision of this Local Law to the contrary, a Person alleged to be in violation of the provisions of this Local Law may request from the Code Enforcement Officer an extension of time for compliance, which request may be granted by the Code Enforcement Officer for reasonable cause shown, in the Code Enforcement Officer's sole discretion.

f. **Inspection:** The Code Enforcement Officer shall inspect the condition(s) giving rise to the issuance of a Notice of Violation within a reasonable period of time after corrective action is to be taken by the alleged violator as required by the Notice of Violation, or by the date required under any extension of time for compliance requested by the alleged violator., which may be granted by the Code Enforcement Officer for reasonable cause shown, in the Code Enforcement Officer's discretion.

g. **Additional Legal Process.** Should the Code Enforcement Officer determine, upon the aforesaid inspection, that the corrective action certified by the alleged violator in the Certificate of Correction has not, in fact, been taken, within the time specified in the Notice of Violation (of by any granted extension date), the Code Enforcement Officer or the Town shall issue a Summons and Complaint, Citation, Appearance Ticket or other legal process, requiring the alleged violator to appear before the Otisco Town Justice Court, or before such other Court of competent jurisdiction, at the next, regularly scheduled Court date, or at a special date to be determined by the Court if the matter is deemed by the Code Enforcement Officer and the Court to be of an urgent nature. Service of a Summons and Complaint, Citation, Appearance Ticket or other legal process shall be effected by the personal service upon the alleged violator either by the Code Enforcement Officer or by a police agency having jurisdiction.

h. **Proceedings Before the Town of Otisco Justice Court.** In proceedings before the Town of Otisco Justice Court pursuant to this Section, the original complainant, the Code Enforcement Officer and the alleged violator shall be afforded the opportunity to present evidence and testimony and to be represented by legal counsel. If the alleged violator pleads guilty to, or is convicted of violating this Local Law, such Person(s) shall be punished as provided in this Section.10 of this Local Law, below.

i. **Proceedings Before Other Courts of Competent Jurisdiction.** Nothing contained in this Local Law, nor any action taken pursuant to this Local Law, shall be deemed or construed as preventing or prohibiting the Town of Otisco from applying for an Order of injunctive or other relief from any Court of competent jurisdiction to abate, suppress or remove any offensive, disorderly, or unsanitary condition which may adversely affect the lives, health, property and welfare of the public, or for such other relief as may be proper to enforce the terms of this Local Law.

j. **Vicarious Liability.** If a Court determines that a violation of this Local Law results from the acts or omissions of an employee or agent of a corporation, limited liability company, partnership, association, firm, organization or other type of entity while such employee or agent is acting within the scope of such employee's or agent's employment or agency, in addition to finding such employee or agent liable for the fines, penalties and expenses of the Town in taking

legal action to enforce this Local Law as provided in this Section 9, the Court may also find such corporation, limited liability company, partnership, association, firm, organization or other type of entity to be vicariously liable for the fines, penalties and expenses of the Town in taking legal action to enforce this Local Law as provided in this Section 9. Further, to the extent permitted by other applicable law, a Court may impose the imprisonment penalties set forth in Section 10, below, on such employee or agent and/or on one or more shareholders, members, partners or owners of a corporation, limited liability company, partnership, association, firm, organization or other type of entity found by the Court to be vicariously liable for the acts or omissions of any of its employees or agents.

k. **Awarding of Reasonable Attorneys Fees, Costs and Expenses.** In the event that an alleged violator is determined by a Court of competent jurisdiction to be in violation of this Local Law, the Town shall be entitled to recover from such Person(s) the Town's reasonable attorneys' fees, costs and expense, including any costs and expenses incurred by the Town to abate, suppress or remove any offensive, disorderly, or unsanitary condition pursuant to Court Order, or otherwise incurred by the Town to enforce the terms of this Local Law. Such reasonable attorneys' fees, costs and expenses and any costs and expenses incurred by the Town to abate, suppress or remove any offensive, disorderly, or unsanitary conditions shall be reduced to a Judgment against such Person(s) and shall be recoverable from such Person(s) in the same manner as a Judgment or, if not so recovered, shall be levied against and shall be included in the real property taxes next becoming due relative to any Private Property upon which a violation of this Local Law occurs.

10. Penalties for Violations:

a. **Violation for First Violation.** Any Person who pleads guilty to, or is found guilty of violating the provisions of this Local Law, shall be guilty of a violation as such term is defined in NY Penal Law Section 70.15. Upon conviction of such offense, such Person shall be punishable by the imposition of a civil penalty of not more than two-hundred fifty dollars (\$250.00), and an additional civil penalty of not more than two-hundred fifty dollars (\$250.00) for each day during which each such violation continues.

b. **Subsequent Violations of Local Law.** Any Person who pleads guilty to, or is found guilty of violating the provisions of this Local Law, other than the provisions of Section 7 of this Local Law (pertaining to littering), within two (2) years of a prior conviction under this Local Law, shall be guilty of a class B misdemeanor punishable by imprisonment for up to 90 days and/or the imposition of a civil penalty of not more than five hundred dollars (\$500.00), or both, and an additional civil penalty of not more than five hundred dollars (\$500.00) for each day during which each such violation continues.

c. **Filing False Certification of Correction.** Any Person who pleads guilty to, or is found guilty of submitting a false Certification of Correction, shall be guilty of a class A misdemeanor, punishable by imprisonment for up to 364 days and/or the imposition of a civil penalty of not more than one-thousand-five hundred dollars (\$1,500.00), or both.

d. **Concurrent Sentencing.** Multiple penalties imposed by a Court for multiple violations of this Local Law which involve imprisonment may be served concurrently at the discretion of the Court.

e. 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 Local Law, 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.

11. Severability:

If any Section, paragraph, subdivision, or provision of this Local Law 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 Local Law shall remain valid and in full force and effect.

12. Effective Date/Effect on Prior Local Laws and Ordinances:

The Town of Otisco Anti-Dumping and Anti-Littering Ordinance of 2003 is hereby repealed. This Local Law also supersedes and repeals any prior ordinances, local laws, rules or regulations of the Town of Otisco which address the subject matter hereof.

This Local Law shall be effective upon the filing with the New York State Secretary of State.

Town Board of the Town of Otisco

December 9, 2024.

Be it so Ordered by the Town Board of the Town of Otisco.



Glenn R. Hall, Town Supervisor



Cheryl Brunet, Deputy Town Clerk

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

On the 9th day of December in the year 2024 before me, the undersigned, personally appeared **Glenn R. Hall**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

**STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:**

On the 9th day of December in the year 2024 before me, the undersigned, personally appeared **Cheryl Brunet**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

CRAIG J. BILLINSON
Notary Public in the State of New York
Qualified in Onondaga County
No. 4758216
My Commission Expires June 30, 2025


NOTARY PUBLIC

TOWN CLERK CERTIFICATION

531-26

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

I, the undersigned, Deputy Town Clerk of the Town of Otisco, does hereby certify that the above Local Law is a true and accurate copy of the original Town of Otisco Anti-Dumping and Anti-Littering Local Law of 2024 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 December 9, 2024 and the same was filed in the office of the Town Clerk on December 9, 2024.


Cheryl Brunet, Deputy Town Clerk

Dated: December 9, 2024.

