

TOWN OF SCHROON
Local Law No. 2 of the year 1982
THE TOWN OF SCHROON ANTI-LITTER LAW

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

Prohibiting the throwing or depositing of litter in public places in the Town of Schroon; controlling the depositing of litter and refuse on private property; providing a lien for town clearance; controlling the depositing of abandoned or junked automobiles on private property; and prescribing penalties for the violation of the provisions.

SECTION I. Legislative Intent. A clean wholesome attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Schroon, and the safeguarding of their material rights against unwarranted invasion and in addition, such environment is deemed essential to the maintenance and continued development of the economy of the Town of Schroon and the general welfare of its citizens. It is further declared that the unrestrained accumulation of litter or junked motor vehicles is a hazard to such health, safety and welfare of the citizens of the Town necessitating the regulation and restraint and elimination thereof.

SECTION II. Name. This Local Law shall be known and may be cited as the Town of Schroon Anti-Litter Law.

SECTION III. Definitions. For the purposes of this Local Law, the following terms, phrases and words and their derivations shall have the meaning 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 end not merely directory.

1. "Authorized private receptacle" is a litter and refuse storage and collection receptacle.
2. "Town" is the Town of Schroon.
3. "Garbage" is putrecible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food stuffs.
4. "Litter" is garbage, refuse and rubbish as defined herein and all other waste material which if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.
5. "Park" is a park, reservation, playground, beach, recreation center, or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.
6. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
7. "Private Property" is any dwelling 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, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure; and any privately owned vacant, commercial

or business property which is unlicensed for use as a junkyard, depository of second hand articles and materials, and discarded motor vehicles, pursuant to the Town of Schroon ORDINANCE LICENSING AND REGULATING JUNK DEALERS AND DEALERS IN DISCARDED AUTOMOBILES AND OTHER SECOND HAND ARTICLES AND MATERIALS AND REGULATING THEIR PLACES OF BUSINESS. A commercial garage or motor vehicle repair shop legally and regularly operated as a business is excepted from this definition.

8. "Public Place" is any and all streets, sidewalks, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

9. "Refuse" is all putrecible and nonputrecible solid waste (except body waste), including garbage, street cleanings, dead animals, solid market and industrial wastes, and junked or abandoned motor vehicles.

10. "Rubbish" is nonputrecible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery, building materials, and similar materials.

11. "Abandoned or Junked Motor Vehicles" is any motor vehicle which has been rendered inoperable by reason of violent accident, removal of major parts or other causes and remains in operable for a period of thirty (30) days or more.

SECTION IV. Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles, in authorized private receptacles for collection, or in official Town dumps.

SECTION V. Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized 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.

SECTION VI. Sweeping Litter into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

SECTION VII. Merchant's Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk in front of the their business premises free of litter.

SECTION VIII. Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town or upon private property.

SECTION IX. Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

SECTION X. Litter in Parks. No person shall throw or deposit litter in any park within the Town 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.

SECTION XI. Litter in Lakes and Fountains. 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 Town.

SECTION XII. Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, EXCEPT that the owner or person in control of the property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property and/or that the owner or person in control of the property may maintain abandoned or junk motor vehicles as long as the owner or person in control of the property fully complies with the provisions of Section XV herein.

SECTION XIII. Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter, EXCEPT that this Section shall not prohibit the storage of litter in authorized private receptacles for collection, the storage of building materials in an orderly manner which are for the private use of the owner or person in control of the private property, the maintenance of a compost pile for the use of the owner or person in control, or the maintenance of abandoned or junk motor vehicles as long as the owner or person in control of the property fully complies with the provisions of Section XV herein.

SECTION XIV. Litter in Vacant Lots. No person shall throw or deposit litter in any open or vacant private property within the Town whether owned by such person or not, EXCEPT that this Section shall not prohibit the owner or person in control of the property from maintaining abandoned or junk motor vehicles as long as the owner or person in control of the property fully complies with the provisions of Section XV herein.

SECTION XV. Screening of Abandoned or Junk Motor Vehicles.

- a) Any abandoned or junk motor vehicle located on private property must not be visible from any public or private highway or adjoining property.
- b) Where an owner or person in control of any private property believes it is impractical or impossible to prevent the abandoned or junk motor vehicle located on his or her property from being viewed from a public or private road or adjoining property, he or she may apply to the Town Zoning Board of Appeals for a partial or complete variance from this requirement. Variance applications under this Section shall be processed in the same manner as variance applications under the Town's Zoning Ordinance.

SECTION XVI. Clearing of Litter and Abandoned or Junk Motor Vehicle from Private Property By Town.

- a) NOTICE TO REMOVE. The Town Board of the Town of Schroon or its agent is hereby authorized and empowered to notify the owner of any private property within the Town or the agents of such owner to properly dispose of litter or screen abandoned or junk

motor vehicles, and located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by Certified Mail addressed to said owner or agent at his last known address.

b) **ACTION UPON NON-COMPLIANCE.** Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter or screen abandoned or junk motor vehicles, dangerous to the public health, safety or welfare within the ten (10) days after receipt of written notice provided for in sub-section (a) above, or within the ten (10) days after the date of such notice in the event the same is returned to the Town Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Town Board is hereby authorized and empowered to pay for the disposing of such litter or to order its removal and disposal by the Town; PROVIDED that if the owner or agent so notified shall file an application for a variance with the Town Zoning Board of Appeals within the ten (10) day period covering the subject of the notice, this enforcement proceeding shall be stayed until a decision is rendered by the Zoning Board of Appeals on the owner's or agent's application.

c) **CHARGES.** When the Town has effected the removal of such dangerous litter and/or abandoned or junk motor vehicles, or has paid for its removal, the Town shall, within 15 days of the completion of the work, bill the owner of the property upon which the litter and or abandoned or junk motor vehicles was situate, for the actual cost thereof.

d) **RECORDED STATEMENT CONSTITUTES LIEN.** Where the full amount due the Town is not paid by such owner within thirty (30) days after the disposal of such litter, except the disposal of abandoned or junked motor vehicles, then, and in that case, the Town Board shall cause to be recorded in the Town Clerk's Office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until the final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further, shall be subject to a delinquent penalty of six percent (6%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be PRIMA FACIE evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

SECTION XVII. Penalties. Any person violating any of the provisions of this Local Law shall be deemed guilty of a violation and upon conviction thereof shall be fined in an amount not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) or be imprisoned in jail for a period not exceeding ten (10) days or be both fined and imprisoned.

SECTION XVIII. Separability. If any section, subsection, sentence, clause, phrase or portion of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XIX. Local Laws Repealed. All Laws and Ordinances, parts of Laws; and Ordinances, in conflict with the provisions of this Local Law are hereby repealed.

SECTION XX. Report of Zoning Board of Appeals. No later than one year from the date of the enactment of this Local Law, the Zoning Board of Appeals shall submit a written report to the Town Board describing the variances which have been granted pursuant to this statute and making such recommendations as the Zoning Board of Appeals feels appropriate in order to achieve the purpose of this legislation.

SECTION XXI. Effective Date. This Local Law shall take effect thirty (30) days after adoption by the Town Board and all time periods referred to in the statute, shall run from the date of adoption of this amended local law.

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1982 of the Town of Schroon was duly passed by the Town Board on March 10, 1982 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated above.

Janice E. Tyrrell (signature)
Town Clerk

Date: March 23 1982

STATE OF NEW YORK
COUNTY OF ESSEX

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Randolph E. Parker (signature)
Town Attorney
Town of Schroon

Date: March 23, 1982

Filed with the Secretary of State March 25, 1982

Note: This Local Law replaces Local Law No. 2 of 1980 (Town of Schroon Anti-Litter Law) Adopted June 4, 1980 and filed with the Secretary of State June 9, 1980.