

Littering Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: May 22, 2010

Date of Original Enactment: November 3, 1998

ENACTMENT BY THE LEGISLATIVE BODY

Date of the Town vote to enact/amend this Ordinance: May 16, 2015.

Certified by the Town Clerk: May Anne Dymon on June 19, 2015
(signature) (date)

LITTERING ORDINANCE

Section 1 Title

This Ordinance shall be known and may be cited as the Litter Ordinance.

Section 2 Purpose

The purpose of this ordinance is to prohibit waste and litter from being discarded improperly within the limits of the Town of York. This behavior endangers the public health and negatively impacts the free utilization and enjoyment of the Community.

Section 3 Definition

LITTER: For purposes of this Ordinance the term “Litter” means all waste materials including, but not limited to, bottles, glass, tobacco products, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds which being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited, but not including the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing.

Section 4 Littering Prohibited

No person shall throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

- A. In or on any public highway, road, street, alley, public right of way or other public lands or upon any privately owned property except when placed in designated containers in accordance with the standards established by the Town of York Solid Waste Collection, Recycling and Disposal Ordinance as amended.
- B. In any fresh water lake, river, stream, tidal or coastal water or on ice over these waters. When litter is thrown or discarded from a water craft, both the operator of the water craft and the person actually disposing of the litter are in violation of this Ordinance.
- C. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This provision applies to vehicles or trailers carrying trash, rubbish or other materials that may be considered as litter.

When any litter is thrown or discarded from a vehicle, both the operator of the vehicle and the person actually disposing of the litter are in violation of this Ordinance. If a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Section 5 Penalties

Persons violating this Ordinance are subject to the following penalties:

- A. A person who disposes of less than 15 pounds or less than 27 cubic feet of litter shall be subject to a civil penalty of \$200.00 for the first offense, \$500.00 for the second offense, and \$750.00 for the third and subsequent offenses.
- B. A person who disposes of more than 15 pounds up to 499 pounds, or between 27 cubic feet and 99 cubic feet of litter shall be subject to a civil penalty of \$500.00 for the first offense, \$1,000.00 for the second offense, and \$1,500.00 for the third and subsequent offenses.
- C. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for commercial purposes is subject to the penalties under Title 38, Section 349.

Section 6 – Waiver/Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 7 Penalty Options

In addition to the penalties imposed in Section 5 of this Ordinance the Court may order a person to perform one or more of the following:

- A. Remove all litter dumped in violation of this ordinance;
- B. Pay the owner of the property or in the case of public property the Town, triple the cost of clean up and removal;
- C. Pay the person, or in the case of Public Property the Town, sustaining damages arising out of a violation of this ordinance triple the actual damages of \$200 whichever is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
- D. Perform public service relating to the removal of litter or to the restoration of an area polluted by litter.

Section 8 Repeal of Existing Ordinances

This Ordinance is intended to replace and repeal Chapter XIV, Ordinance Relating to Public Health and Safety, Section 1, Removal of Waste from the Ordinance of the former York Beach Village Corporation and Chapter 5, Ordinance Relating to Public Health and Safety, Section 1, Removal of Waste from the Ordinances of the former York Harbor Village Corporation.