

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of CAPE VINCENT
~~Town~~
~~Village~~

Local Law No. 5 of the year 20 03

A local law TO CONTROL GARBAGE, LITTER, RUBBISH, AND REFUSE
(Insert Title)

Be it enacted by the VILLAGE BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of CAPE VINCENT as follows:
~~Town~~
~~Village~~

Article 1. - Authority. The Board of Trustees of the Village of Cape Vincent pursuant to the authority granted it under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby enacts as follows:

Article 2.- Statement of Purpose. The Board of Trustees of the Village of Cape Vincent hereby finds that it is in the best interest of the residents of the Village to provide for the control of garbage, litter, rubbish, and refuse within the Village limits. It is the purpose of this local law to provide uniform regulations for the placement of garbage, litter, rubbish and refuse and its transportation and collection within the Village, and to provide for ease in administration of such regulations.

Article 3.- Enactment. The Board of Trustees of the Village of Cape Vincent hereby enacts as follows:

Section I. Definitions. As used in this Article, the following terms shall have the meaning indicated:

- A) ASHES- residue from fires used for cooking, heating, and on-site incineration.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- B) DUMPSTER- a bulk storage container for garbage and other waste materials that can be hauled directly to the point of disposal, or emptied into a larger, compactor type truck for disposal.
- C) GARBAGE- waste from the preparation, cooking, and serving of foods, market waste and waste from handling, storage and sale of produce.
- D) LITTER- The deposit of garbage, rubbish or refuse upon the street, sidewalk or any other public place within the Village other than in an authorized container.
- E) RUBBISH-
 - (a) combustible: paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding dunnage.
 - (b) non-combustible: metals, tin cans, metal furniture, dirt, glass, crockery, and minerals.
- F) REFUSE- all categories of materials to be disposed of, excluding garbage and rubbish. Refuse shall include old, inoperable, discarded, equipment and/or parts thereof, disassembled or broken furniture or other household appliances or items, or parts thereof. Refuse shall also include any and all building materials scrapped during the repair of structures.

Section II. Deposit Restricted.

- A) Except as otherwise provided, no person, firm or corporation shall throw, drop, place, push, or deposit or cause to be thrown, dropped, placed, pushed or deposited any snow, ice, garbage, litter, rubbish, refuse, or other objects, substance or material from any source whatsoever originating inside or outside of the Village of Cape Vincent in or upon any private property, avenue, street, sidewalk, highway, public lot, parking lot, public park, dock, wharf, or boat launch within the Village of Cape Vincent except in an open container.
- B) No person shall throw, dump, or deposit or cause to be thrown, dumped, or deposited in any part of the Village of Cape Vincent, any garbage, litter, rubbish, refuse or abandoned vehicles or parts therefrom, from any source whatsoever originating inside or outside of the Village of Cape Vincent, no person shall permit such throwing, dumping, or

depositing thereof upon property owned, leased or controlled by such person.

Section III. Collection of Garbage, Litter, Rubbish and Refuse.

- A) No person or persons shall within the corporate limits of the Village of Cape Vincent collect from, draw through, or have upon the public streets or places of the Village any garbage, litter, rubbish or refuse except when contained in and conveyed by a vehicle having a water-tight compartment and constructed in such a manner that no odor can escape therefrom and in such a manner that the contents shall not be visible.
- B) All garbage, litter, rubbish, or refuse which is to be placed out for collection by any person or persons within the Village of Cape Vincent shall be in a suitable container or bag properly sealed or covered so that no garbage, rubbish, or refuse shall be strewn upon the streets, sidewalks or any other public place within the Village. No such garbage, rubbish or refuse shall be placed for pickup at curbside on any day other than the designated pickup day.

Section IV.

Exceptions: leaves, old newspapers, magazines, debris and other items which are required to be recycled and which are not likely to attract scavenging animals shall in all other respects comply with any recycling law adopted by the County of Jefferson, or the Village of Cape Vincent.

Section VI. Violations

Any person who shall violate any provision of this Chapter shall be guilty of a violation as defined by the Penal Law of the State of New York, and shall be subject to a fine of not less than \$50.00 and not to exceed \$250 and/or imprisonment for a period of time not to exceed 15 days and/or both such fine and imprisonment. The continuation of an offense against the provisions of this Chapter shall constitute for each day the offense, continues a separate and distinct offense.

In the event the violation is perpetrated by a person under 16 years of age, then that person's parent, guardian or custodian may be held liable for the act of such child.

Article 4. Severability. If any part of this Chapter shall

be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.