

ORDINANCE NUMBER 63

AN ORDINANCE TO PREVENT THE DEPOSIT OF ANY GARBAGE, REFUSE, RUBBISH OR LITTER WITHIN THE VILLAGE OF OTISVILLE, AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

THE VILLAGE OF OTISVILLE ORDAINS:

Section One

Definitions: In the interpretation of this Ordinance the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- A) "Private premises" shall mean any lot or parcel occupied by any person whether or not improved with any dwelling, house, building or other structure, 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 any dwelling, house, building or other structure erected thereon.
- B) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- C) "Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- D) "Refuse" shall mean all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.

- E) "Rubbish" shall mean nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- F) "Litter" shall mean 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.
- G) "Village" shall mean the Village of Otisville.
- H) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Section Two

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

Section Three

Use of Waste Receptacles: 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 Four

No person shall sweep into or deposit in any gutter, street or other public place within the Village 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 Five

Merchants' Duty to Keep Sidewalks Clean: No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their business premises free of litter.

Section Six

Litter on Occupied Private Property: No person shall throw or deposit litter on any private premises within the Village, whether owned by such person or not, except that the owner or person in control of occupied private premises 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.

Section Seven

Owner to Maintain Premises Free of Litter: The owner or person in control of any private premises shall at all times maintain the premises free of litter. Provided, however,

that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section Eight

Enforcement -- Notice to Abate: The Village Chief of Police or Building Inspector is hereby charged with the enforcement of this Ordinance. No person being the owner or person in charge of or occupant of any private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Ordinance. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Ordinance, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served:

- 1) By delivering the notice to the owner, person in charge or occupant of the premises personally or by leaving the same at his residence, office of place of business with some person of suitable age and discretion, or
- 2) By mailing said notice by certified or registered mail to such owner, person in charge or occupant at his last known address, or
- 3) If the owner or person in charge is unknown and the premises are not occupied, by posting said notice on some conspicuous place in the premises for five (5) days.

If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional Fifteen (15%) per cent for overhead and other expenses, shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by law or in any other manner authorized for the collection of debts owed the Village.

Section Nine

Penalty -- Enforcement: Any person violating any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Accumulating or permitting the accumulation of litter on private premises in violation of Section Seven of this Ordinance is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the Court may order the

nuisance abated and/or the violation restrained and enjoined. The enforcement of this Ordinance by abatement of any nuisance by the enforcing officer or by application to any Court of competent jurisdiction for abatement by judicial decree or writ shall not preclude enforcement of this Ordinance by complaint for violation of this Ordinance and the imposition of fine or imprisonment as herein provided.

Section Ten

Responsibility: Whenever any act is prohibited by this Ordinance, or by any amendment hereto, said prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act.

Section Eleven

Separability: It is the legislative intent of the Council, in adopting this Ordinance, that all provisions and sections be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village, and should any provision or section of this Ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the other remaining provisions or sections, it being the intent of this Ordinance stand not withstanding the invalidity of any provision or section hereof.


Section Twelve

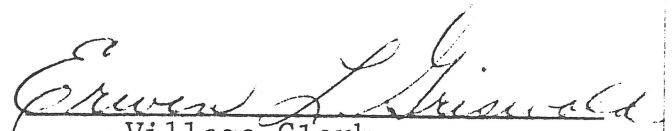
This Ordinance shall take effect and be in force twenty (20) days after the date of this adoption and approval by the Village Council.

DATED: August 3, A.D., 1964

Ordinance Declared Adopted.

APPROVED, ADOPTED and ORDERED published in three public places in the Village of Otisville on this 3rd day of August, A.D., 1964.


Village President


Village Clerk

I, ERWIN L. GRISWOLD Clerk of the Village of Otisville, do hereby certify that the foregoing Ordinance was published by posting in three public places in the Village of Otisville on this 4TH day of August, A.D., 1964, to wit:

- 1 - POST OFFICE
- 2 - CITIZENS BANK
- 3 - BIRTLES MOTOR SALES

Erwin L. Griswold
Village Clerk