

Chapter 213, SOLID WASTE

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads: Art. I, 8-3-1965 as Chapter 7 of the 1965 Code. Amendments noted where applicable.]

ARTICLE I, Littering [Adopted 8-3-1965 as Chapter 7 of the 1965 Code]

§ 213-1. Definitions.

Terms used in this Article have the following meanings:

EN⁽¹⁾AUTHORIZED PRIVATE RECEPTACLE -- Any privately owned receptacle used for the storage or transportation of litter which can be sufficiently covered or enclosed to prevent unintentional release of the contents.

COMMERCIAL HANDBILL -- Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise, product, commodity or thing;
- B. Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection shall not apply when an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of this state or under any ordinance of this village; or
- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

GARBAGE -- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER -- 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.

NEWSPAPER -- Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall include any periodical or current magazine regularly published with not fewer than four (4) issues per year and sold to the public.

NONCOMMERCIAL HANDBILL -- Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

PARK -- A park, reservation, playground, beach, recreation center or any other public area in the village owned or used by the village and devoted to active or passive recreation.

PRIVATE PREMISES -- 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, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE -- Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE -- All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE -- Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 213-2. Litter in public places.

No person shall throw or deposit 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 municipal dumps.

§ 213-3. Placement in 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.

§ 213-4. Litter in gutters.

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.

§ 213-5. Merchants' duty to keep sidewalks clear.

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.

§ 213-6. Litter thrown from 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 village or upon private property.

§ 213-7. Litter from trucks.

No person shall drive or move any truck or other vehicle within the village 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; nor shall any person drive or move any vehicle or truck within the village, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 213-8. Parks.

No person shall throw or deposit litter in any park within the village 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.

§ 213-9. 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 village.

§ 213-10. Distributing handbills.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the village; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the village for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 213-11. Placing handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 213-12. Handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 213-13. Distribution of handbills where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon

any private premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 213-14. Handbills at inhabited private premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this Article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. This section does not apply to the distribution of mail by the United States nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 213-15. Handbills dropped from aircraft.

No person in an aircraft shall throw out, drop or deposit within the village any litter, handbill or any other object.

§ 213-16. Posting notices.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

§ 213-17. Occupied private property.

No person shall throw or deposit litter on any occupied private property within the village, whether owned by such person or not, except that the owner or person in control of private 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.

§ 213-18. Responsibility of owner.

The owner or person in control of any private property shall at all times maintain the premises free of litter. This section does not prohibit the storage of litter in authorized private receptacles for collection.

§ 213-19. Vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the village, whether owned by such person or not.

§ 213-20. Penalties for offenses. ^{EN(2)}

Any person found guilty of a violation of this Article shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

ARTICLE II, Recycling [The Chemung County recycling provisions are in effect in the Village of Horseheads.]

Endnotes

1 (Popup - Popup)

Editor's Note: The definition of "aircraft," which immediately preceded this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2 (Popup - Popup)

Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.