

**Sec. 10-1. - Town of Lake Holcombe Litter control.**

*(a) Definitions.*

*Litter* means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

*Person* means an individual, firm, sole proprietorship, partnership, corporation, limited liability company, or unincorporated association.

*Public or private property* means the right-of-way of any road or highway or property visible from such road or highway; any body of water or watercourse or the shores thereof; any park, parking facility, playground, public service company property or transmission line right-of-way, any building, recreation area, any residential or farm properties, any timberlands or forest or landscaped areas.

*(b) Prohibited acts.*

(1) It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the town or in, on or near any waters or wetlands in the town unless:

a. Such property is designated by the town or by a governmental agency or political subdivision for the disposal of such litter, and such person is authorized by the proper public authority to use such property; or

b. Such litter is either placed into a litter receptacle or container installed on such property or is too large or bulky to be contained and is set out for no more than eight (8) days and awaiting trash collection; or

c. Such litter is placed at or near the curb by the occupant of the property for their contracted trash collection.

(2) It shall be unlawful for any person or persons to throw, dump or deposit any trash, junk or other refuse upon any highway or road of the town, or to perform any act which constitutes a violation of the state's vehicle laws relative to putting trash, glass and other prohibited substances on highways and roads.

(3) It shall be unlawful for any person or persons to throw, cast, place, lay deposit, pour, scatter, drop, spill or sweep, or cause to be thrown, cast, placed, laid, deposited, poured, scattered, dropped, spilled or swept, any dirt, mud, ashes, wood, wood refuse, hay, cinders, liquids other than water, or any other matter of any kind whatsoever or any offensive unhealthy or dangerous substance or obstruction, on or into any street, avenue, alley, open space, gutter, ditch, roadway, storm sewer, catch basin, drain, sidewalk, park or other public space within the town.

(4) No person shall litter, dump or deposit any rubbish, refuse, earth or other material in Lake Holcombe Wayside park or area around Lake Holcombe Town Hall and Highway Maintenance

Buildings All persons using park or Town Hall shall properly dispose or remove all waste, trash, cooking materials, recyclables and other refuse material that may be produced during use.

(5) No person shall dispose of personal garbage or refuse in any disposal containers at the town Wayside park or town shop,

*Presumption of responsibility for violation.* Whenever litter is thrown, deposited, dropped or dumped from any vehicle or other conveyance in violation of subsection (b) of this section, and if the vehicle or other conveyance has two (2) or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, or other conveyance, if present, shall be presumed to be responsible for the violation, in the absence of the owner of the vehicle, or other conveyance, the operator shall be presumed to be responsible for the violation.

*Penalties.* Any violation of the provisions of subsection (b) of this section shall be a municipal infraction. The penalty for such violation shall be as follows:

(1) First offense shall be a fine of fifty dollars (\$50.00)

(2) Second and any subsequent offenses a fine of two hundred dollars (\$200.00).

(3) In addition to the penalty provided by this subsection, a court may order the violator to:

a.) Reimburse the town for any costs incurred in the removal of litter dumped in violation of subsection (b) of this section.

(b) *Owner of property where violation occurred need not be present in court.*

(c) *Enforcement.*

(d) All law enforcement personnel officers and officials of the town are hereby authorized, empowered and directed to enforce compliance with this section.

(2) Notwithstanding any other provision of law, if the facts of any case in which a person is charged with violating this section are sufficient to prove that the person is responsible for the violation, it is not necessary that the owner of the property on which the violation allegedly occurred be present at any court proceeding regarding that case.