

**LITTERING ORDINANCE OF  
THE TOWN OF LAFAYETTE  
ONONDAGA COUNTY, NEW YORK**

Resolved, and be it enacted by the Town Board of the Town of LaFayette, New York, as follows:

**SECTION 1. Intent.**

A clean, wholesome, and attractive environment is important to the health, safety and welfare of the inhabitants of the community. Unrestrained accumulation of dirt, filth, waste or rubbish in the streets, highways, sidewalks, and waterways within the jurisdiction of the Town of LaFayette or public places is a hazard to such health, safety and welfare, necessitating the regulation, restraint, and elimination thereof.

**SECTION 2. Definitions.**

As used in this Ordinance:

- (a) The term "garbage" shall include
  - (i) wastes resulting from the handling, preparation, cooking and consumption of food; (ii) dead animals or parts thereof;
  - (iii) animal waste; and (iv) all waste or discarded wood, lumber or vegetable matter of any kind, or any other matter which shall be inflammable or capable of fermentation or decay.
- (b) The term "rubbish" shall include combustible and noncombustible materials including, but not limited to, waste metal, tin cans, ashes, glass, pottery, building rubble, household furniture and clothing.
- (c) The term "solid waste" shall include materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owner at the time they are discarded or rejected, except sewage and other highly diluted water- carried materials or substances or those in gaseous form. Solid waste shall include, but not be limited to, garbage, ashes, rubbish, trash and construction or demolition debris.
- (d) The term "trash" shall include any other discarded substance not included in the foregoing definitions of "garbage", "rubbish" or "solid waste".
- (e) The term "person" shall include (i) natural persons, (ii) corporations, (iii) partnerships, (iv) unincorporated associations or any other legal entity or organization of two (2) or more persons.
- (f) The term "street" shall include any road, avenue or public highway in the Town of LaFayette.
- (g) The term "Town" shall include all areas within the Town of LaFayette, exclusive of areas wholly within

any incorporated village.

**SECTION 3. Disposition of Litter Restricted.**

No person shall throw or deposit garbage, rubbish, solid waste or trash in or upon any street, sidewalk or other public place within the Town except in public receptacles, in authorized private receptacles for collection, or in areas approved by the Town for dumping of refuse.

**SECTION 4. Placement of Litter in Receptacles.**

Persons placing garbage, rubbish, solid waste or trash in public receptacles or in authorized private receptacles shall do so in a manner that will prevent the garbage, rubbish, solid waste or trash from being carried or deposited by the elements upon any street, sidewalk or other public place within the Town or upon private property.

**SECTION 5. Throwing Litter from Vehicles Prohibited.**

No person, while a driver or passenger in a vehicle, shall throw or deposit garbage, rubbish, solid waste or trash upon any street, sidewalk, waterway or other public place within the Town or upon private property.

**SECTION 6. Litter in Municipal Properties.**

No person shall throw or deposit garbage, rubbish, solid waste or trash in any municipal property within the Town including, but not limited to Town Parks, except in public receptacles and in a manner that will prevent the garbage, rubbish, solid waste or trash from being carried or deposited by the elements upon any part of the Town property or upon any street, sidewalk or the public place or upon private property. In the event a Town Park is used by any group of persons, all garbage, rubbish, solid waste or trash resulting from the use shall be carried away from the Town Park by the group of persons responsible for its presence and properly disposed of elsewhere.

**SECTION 7. Litter on Occupied Private Property.**

No person, other than the owner, shall throw or deposit garbage, rubbish, solid waste or trash on any occupied private property within the Town, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that garbage, rubbish, solid waste or trash will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place within the Town or upon any private property.

**SECTION 8. Litter on Vacant Lots.**

No person, other than the owner, shall throw or deposit garbage rubbish, solid waste or trash on any open or vacant private property within the Town.

**SECTION 9. Posting of "No Littering" Signs.**

The LaFayette Superintendent of Highways, as authorized by the Town Board of the Town of LaFayette, shall post appropriate signs stating the prohibition against littering and the fine per offense for five hundred dollars (\$500.00).

**SECTION 10. Penalties for Offenses.**

Any person violating any of the provisions of this Ordinance shall, upon conviction in Justice Court, be punished for each offense by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for any term not exceeding ten (10) days, or both.

**SECTION 11. Severability.**

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that clause, phrase or portion of this Ordinance shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining clause, phrases or portions hereof.

**SECTION 12. Effective Date.**

This Ordinance shall take effect upon its final passage by the Town Board of the Town of LaFayette and ten (10) days after posting and publication according to law.

**SECTION 13. Authorization.**

The Town Board of the Town of LaFayette has enacted this Ordinance pursuant to its authority under New York Town Law 130(7), (15) and 135.