

## **Town of Berwick Littering and Animal Waste Ordinance**

### **1. Authority**

This ordinance is enacted under Town of Berwick's home rule land use ordinance enactment authority pursuant to 30-A M.R.S. § 3001. Penalties established hereunder are established on the basis of authority granted to the Town 30-A M.R.S. § 3001 (4).

### **2. Purpose**

The purpose of this ordinance is to prohibit waste and litter from being discarded improperly within the limits of the Town of Berwick. This behavior endangers the public health and negatively impacts the free utilization and enjoyment of the Community.

### **3. Definitions**

**Animal Waste:** Waste matter eliminated from the bowels; excrement, feces, etc.

**Litter:** Any discarded, used or consumed substance or waste material, whether made of any metal, glass, plastic, rubber, paper, synthetic material or combination of materials, including, but not limited, to any bottle, can, jar, unlit or discarded cigarette, unlit or discarded cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, brush or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

**Litter Receptacle:** A container suitable for the depositing of litter, including, but not limited to trash cans and recycling bins.

### **4. Prohibitions**

#### **A. Litter**

No person shall throw, drop, deposit, discard, dump or otherwise dispose of or discard litter in any manner or amount:

1. In or on any public highway, road, street, alley, public right of way or other public lands or upon any privately owned property except when placed in designated litter receptacles.
2. In any fresh water lake, river, or stream, or on ice over these waters. When litter is thrown or discarded from a water craft, both the operator of the watercraft and the person actually disposing of the litter are in violation of this Ordinance.
3. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This provision applies to vehicles or trailers carrying trash, rubbish or other materials that may be

considered as litter. For any violation of this subparagraph, both the operator of the vehicle and any other person responsible for the litter are in violation of this Ordinance. Any litter from a commercial vehicle shall be deemed to have been done for a commercial purpose.

4. No person shall throw or deposit any commercial or noncommercial leaflet in or upon any vehicle. It shall not be unlawful for a person to hand distribute to another person, without any charge, any noncommercial leaflet or other literature provided that the recipient is willing to accept said materials.

#### **B. Disposal of Animal Waste**

An owner, caretaker, or other person responsible for an animal must remove and dispose of any animal waste any feces left by an animal on any sidewalk, street, public property through use of a plastic bag or similar container. This subparagraph does not apply to animal waste produced on private property provided that the owner of such private property consents to the same, nor does it apply to any person who, by reason of any mental or physical handicap, is unable to comply with the requirement of this subparagraph.

### **5. Penalties and Fines**

Any law enforcement officer shall have authority to enforce the provisions of this Ordinance. Fines and penalties shall be imposed in the following manner:

A. A person who disposes of less than 15 pounds or less than 27 cubic feet of litter is subject to a fine of not more than \$500 nor less than \$50 for the first violation and not more than \$1000 nor less than \$500 for any subsequent violations. A person charged with a first violation of less than 15 pounds or less than 27 cubic feet of litter may waive all court action by payment of a fine at the municipal offices within 30 days of the alleged violation.

B. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter is subject to a fine of not more than \$1000 nor less than \$500 for the first violation and not more than \$2000 nor less than \$1000 for any subsequent violations.

C. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for commercial purposes is subject to the penalties under 38 M.R.S. § 349.

D. A law enforcement officer may require the offending party to remove unlawfully discarded litter or animal waste and dispose of it in an approved manner in lieu of penalty with a written warning.