



Proposed Draft

Town of Berwick Littering and Animal Waste Ordinance

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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. Section 3001. Penalties established hereunder are established on the basis of authority granted to the Town 30-A M.R.S. Section 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 Aluminum, glass , plastic , rubber, paper , synthetic material or combination of materials , including but not limited to any bottle , can or jar, unlit cigarette, 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 which has not been deposited in a recognized trash bin , recycling facility or litter receptacle.

Litter Receptacle: A container suitable for the depositing o flitter; these include but are not limited to trash cans and recycling bins.

4. Littering Prohibited

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

A. 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.

B. 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 water craft and the person actually disposing of the litter are in violation of this Ordinance.

C. 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. When any litter is thrown or discarded from a vehicle, both the operator of the vehicle and the person actually disposing of the litter are in violation of this Ordinance. If a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

D. No person shall throw or deposit any commercial or noncommercial leaflet in or upon any vehicle; provided however that it shall not be unlawful in any public place for a person to hand distribute without charge to the receiver, occupant in vehicle; a noncommercial leaflet, on condition that the occupant is willing to accept the literature.

5. Animal Waste

An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, public property, or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar container, not part of the human body, for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

6. Penalties

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 Title 38, Section 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.