

Bill WDS 2101

A local law to amend the Code of the Village of Woodsburgh in relation to regulations prohibiting dumping on public property.

Section one. The Code of the Village of Woodsburgh is hereby amended, by adding a new Article III, to Chapter 128, to read as follows:

“Article III. Littering and Obstructions.

§128-11. Refuse or Litter Prohibited.

A. It shall be unlawful for any person to cause, suffer or permit any dirt, sand, gravel, clay, stone, rocks, rubble, building or construction rubbish, sawdust, shavings, trade or household waste, refuse, ashes, manure, garbage, rubbish, litter or debris of any sort or any other organic or inorganic matter, material or thing or other offensive matter or material being transported in a vehicle or an attachment to a vehicle to be dumped, discarded, deposited, placed or otherwise disposed of in or upon any public street, right-of-way, sidewalk, park, public place, bulkhead, or other area publicly owned or over which the public may pass.

B. Any person who violates the provisions of this article or who operates the vehicle from which any material, matter or thing identified in subsection (A) is dumped, discarded, deposited, placed or otherwise disposed of in violation of subsection (A), shall be deemed guilty of a violation and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 for a first offense, and not less than \$10,000 nor more than \$20,000 for a second offense.

C. In addition, if the owner or operator of the vehicle is not the person who dumped, discarded, deposited, placed or otherwise disposed of any material, matter or thing identified in subsection (A) and the matter or material was dumped, discarded, deposited, placed or otherwise disposed of from the owner’s vehicle, the owner of the vehicle shall be deemed a separate person subject to the penalty provisions set forth in subsection (B).

D. As used in this article, the term “owner” shall have the meaning set forth in section 128 of the Vehicle and Traffic Law.

E. The Village may, but is not required to, post one or more signs in the Village where the Village deems appropriate because of instances of unlawful dumping. Such sign shall state the penalties for unlawful dumping.

Section two. Any local law, ordinance, or resolution of the Village of Woodsburgh in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for

any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.