TOWN OF SWANZEY

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TOWN OF SWANZEY
Town Ordinance
(RSA 31:39, I(f))

ILLEGAL DUMPING ORDINANCE

I. STATEMENT OF PURPOSE.

It is declared to be the purpose of the Town of Swanzey to protect and promote the health, safety, welfare of the residents of town of Swanzey through the control and prevention of illegal dumping of litter (as defined below) throughout the community. This ordinance shall be adopted pursuant to the applicable provisions of RSA 31:39 and consistent with the definitions and unlawful acts described in RSA 163-B.

II. DEFINITIONS.

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

A. Litter: Means all rubbish, refuse, garbage, trash, demolition debris, dead animals or other discarded materials of every kind and description.

B. Person: Any person, owner, lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

C. Private Property: Any land or any structure or portion of any structure designed or used for private, commercial or residential purposes which is not public property.

D. Public Property: Any and all streets, waterways, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds and buildings.

III. GENERAL PROHIBITION.

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 of Swanzey unless:

A. Such property is designated by the Board of Selectmen of the Town of Swanzey or by the State of New Hampshire (or by any of its agencies or political subdivisions) for the disposal of such litter, and such person is authorized by the proper public authority to use such property.

B. Such waste material is placed into a litter receptacle or container installed on such property.

C. Such activity is being conducted by the owner of the property, the tenant, or with permission of the owner.

IV. VIOLATIONS AND PENALTIES.

A. Evidence of a specific complaint or complainant is not necessary to establish a violation of this chapter.

B. Any person who violates the provisions of this chapter shall be guilty of a violation for each offense and shall be subject to a fine of no less than one hundred ($100) dollars for each offense. The amount of this fine shall not be fixed and may be adjusted one time per year by the Board of Selectmen.

V. ENHANCED PENALTY

Any person who violates the provisions of this Section three (3) or more times in a year shall be subjected to the provision of an enhanced penalty and shall be subject to a fine of no less than five hundred ($500) dollars for each offense. For the purpose of this Section, a year shall be defined as the period of January 1 to December 31. The amount of this enhanced penalty shall not be fixed and may be adjusted one time per year by the Board of Selectmen.

VI. SEVERABILITY

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

VII. EFFECTIVE DATE

This ordinance shall be considered to be adopted upon vote at Town Meeting.

VIII. ADOPTION

This ordinance was adopted by vote of the Town on Article 9 of the 2016 Annual Town Meeting.