

**Town of Bowdoinham
Littering Ordinance**

ATTEST: Kimberly Sparks
KIMBERLY SPARKS, TOWN CLERK

Section 1 Title

This Ordinance shall be known and may be cited as the Littering Ordinance.

Section 2 Purpose

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

Section 3 Definition

LITTER: For purposes of this Ordinance the term "Litter" means all waste materials including, but not limited to, bottles, glass, tobacco products, crockery, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited, but not including the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing.

Section 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 containers in accordance with the standards established by the Town of Bowdoinham Solid Waste Management (1994) Ordinance as amended.
- B. In any fresh water river, stream, tidal or coastal water or on ice over these waters. When litter is thrown or discarded from a watercraft both the operator of the watercraft and the person actually disposing of the litter are in violation of the 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 the Ordinance. If a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Section 5 Penalties

Persons violating this Ordinance are subject to the following 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 \$200 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
- B. than 27 cubic yards of litter may waive all court action by payment of a fine at the municipal offices within 30 days of the alleged violation.
- C. 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.
- D. 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.

Section 6 Penalty Options

In addition to the penalties imposed in Section 5 of this Ordinance the Court may order a person to perform one or more of the following:

- A. Remove all litter dumped in violation of this ordinance;
- B. Pay the owner of the property or in the case of public property the Town, triple the cost of clean up and removal;
- C. Pay the person, or in the case of Public Property the Town, sustaining damages arising out of violation of this ordinance triple the actual damages or \$200 whichever is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
- D. Perform public service relating to the removal of litter or to the restoration of an area polluted by litter.