CHAPTER 65: PUBLIC CONDUCT

ARTICLE I - CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

§ 65.1 Legislative intent and purpose

A. The Town Board finds that the unrestricted consumption of alcoholic beverages in certain public places often leads to disorders and related problems as well as the littering of such public places and is disturbing to the public and threatens peace and good order.

B. The purpose of this Article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior and the littering of public places; and to protect the public health, safety and welfare and to promote the public good.

§ 65.2 Consumption of alcoholic beverages in certain public places and private areas

A. Prohibited

No person shall within the Town of Camillus outside the incorporated limits of the Village of Camillus, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place as defined by Section 240.00 of the Penal Law of the State of New York or on private property without invitation or permission of the owner or occupant of such property.

B. Possession of open containers

No person shall carry or have in his or her possession, within the Town of Camillus outside the incorporated limits of the Village of Camillus, any open bottle or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume same in any of the public places described in Subdivision A of this Section.

C. Presumptions

1. The possession of an open bottle or open container unwrapped or with the top exposed in a public place as herein defined shall be presumptive evidence that such open bottle or open container is intended to be consumed in a public place.

2. An open bottle or open container in any vehicle while in or on any public sidewalk, street, highway, parking lot, bathing beach, public park or other public place as defined by Section 240.00 of the Penal Law of the State of New York, shall be presumptive evidence that the same is in the possession of all the occupants thereof.

§ 65.3 Exceptions

The provisions of § 65.1 shall not apply to any public place where a special permit is obtained from the Town Clerk or any premises licensed to serve or dispense alcoholic beverages by the State Liquor Authority pursuant to the Alcoholic Beverage Control Law of the State of New York.

HISTORICAL NOTE

This Article is derived from Local Law #1 of the year 1979. It has been substantially changed to conform with the court of Appeals decision People v Lee, NY2d.

ARTICLE II - LITTERING

§ 65.21 Littering

A. Generally

No person shall sweep, throw, cast, drop put or place, or having accidentally dropped, failed to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper, or any other trash or litter, in or upon any public street, place, park, or building, except in receptacles provided for such purposes or to permit any person under his or her control or employ to do the same.

B. Placement of litter in receptacles

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 65.22 Depositing trash, snow or other debris in public streets or waterways

A. No person shall sweep, throw or deposit, or cause to be swept, thrown or deposited, any ashes, dirt, stone, brick, leaves, grass, weeds, or any other debris or rubbish of any kind; or any water or liquid of any kind except for purposes of cleansing same into any waterway, public highway, street, gutter or public place or upon any sidewalk within the Town. Amended LL#15 & 18 07/23/96

B. No person shall throw, put, push or place or cause to be thrown, put, pushed or placed, any snow or ice into any waterway, public highway, street, public place or thoroughfare in the Town. Amended LL#15 & 18 07/23/96

C. This Section shall not apply to water or liquids running into streets as a result of fire fighting or flushing of fire hydrants by authorized personnel or the use in a reasonable manner of ashes, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet.

§ 65.23 Littering by trucks or other vehicles

No truck or other motor vehicle or trailer or other motor conveyance shall be operated or loaded in such a manner that any part or portion of its load, whether sand, gravel, stone, dirt, rubbish, paper, boxes, trash or other material shall be dropped, blown or caused to fall or dropped upon any public street, highway, public place or thoroughfare in the Town.

§ 65.24 Responsibility of occupants and owners

A. Generally

No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

B. Merchants

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep their business premises and the sidewalks in front thereof free of litter.

§ 65.25 Private property

A. Litter on occupied private property

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon the streets or other public places or upon any private property.

B. Owner to maintain premises free of litter

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this Section shall not prohibit storage of litter in authorized receptacles for collection.

C. Vacant lots

No person shall throw or deposit on any open or vacant private property within the Town, whether owned by such person or not.

§ 65.26 Removal of litter by Town

A. Notice to remove
The Code Enforcement Officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to said owner at his or her last known address.

B. Action upon noncompliance
Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within ten (10) days after receipt of written notice provided for in Subdivision A above, or within fifteen (15) days after the date of such notice, in the event the same is returned to the Town by the Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Code Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Town.

C. Charge included in tax bill
When the Town has effected the removal of such dangerous litter, or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of twelve percent (12%) per annum from the date of the completion of the work if not paid by such owner prior thereto, shall be assessed against and shall constitute a lien on the Town and shall be levied and collected in the same manner as general Town taxes.

§ 65.27 Political posters

No person shall post political campaign and election advertising within the federal, State, or Town of Camillus rights-of-way along the highways and roads of the Town of Camillus.

ARTICLE III - PENALTIES

§ 65.100 Penalty

A violation of any provision of this Chapter is hereby declared to be a violation and shall be punishable by a fine not exceeding Two Hundred Fifty Dollars ($250.00) or imprisonment of not more than fifteen (15) days or both.

HISTORICAL NOTE

Article II is derived from Local Law #3 of the year 1971. It has been revised and superfluous sections deleted.

§65.22 (A) & (B) amended by LL#15 07/23/96

References:

Littering. local regulations which require owner to keep sidewalk free from litter is not unconstitutional and within the police power. People v Elsen, 77 Misc2d 1044. Aff'd 79 Misc2d 829. People v James H. Northrup, Inc., 85 Misc 2d 298. municipality may prohibit littering but may not require trucks to be equipped with metal or canvas covers. NY Trap Rock Corp v Inc. Vil of Roslyn, 66 Misc2d 334.