

Chapter 169

LITTERING

§169-1. Littering within village.

§169-2. Litter from conduct of commercial enterprise.

§169-3. Depositing of materials.

§169-4. Handbills.

§169-5. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Sec. 11-3-2 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and navigable waters -- See Ch. 198, §198-1B(1).

Solid waste -- See Ch. 227.

§169-1. Littering within village.

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Albany or upon property within the village owned by the School District or any private person, or upon the surface of any body of water within the village.

§169-2. Litter from conduct of commercial enterprise.

A. Scope. The provisions of this section shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

B. Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

C. Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B within the time specified, the village shall arrange to have the same picked up by village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this chapter.

§169-3. Depositing of materials.

It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Street Superintendent pursuant to the provisions of this Code, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

§169-4. Handbills.

A. Scattering prohibited. It shall be unlawful to deliver any handbills or material to any premises in the village except by being handed to the recipient, placed on the porch, stoop or entranceway of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

B. Papers in public places prohibited. It shall be unlawful to leave any material or newspapers unattended in any street, alley or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

§169-5. Violations and penalties.

A. Attempt.

(1) Whoever attempts to commit an act prohibited by this chapter may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of this chapter and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

B. Parties to acts prohibited.

(1) Whoever is concerned in the commission of an act prohibited by this chapter is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this chapter.

(2) A person is concerned in the commission of an act prohibited by this chapter if he:

(a) Directly commits the act;

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the

commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.