

**#28 Litter Ordinance
Litter Control Law**

Adopted March 15, 1997, Article 17

WHEREAS, RSA 163-B:3 establishes that it is unlawful for any person to dump, deposit, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property without the consent of the owner or tenant in lawful possession of the property; and

WHEREAS, RSA 163-B:2 defines litter as meaning all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials; and

WHEREAS, the Board of Selectmen of the Town of Rye has determined that circulars, handbills, dodgers, newspapers, paper, booklets, posters, other printed matter or advertising literature of any kind when thrown, cast, dropped or deposited in any manner in any public place or on any yard, grounds, porch, vestibule, doorstep, or public hallway or private property without the consent of the property owner, constitute discarded material.

NOW, THEREFORE, BE IT ORDAINED THAT:

- A. The Town of Rye Police Department is hereby directed to enforce the Litter Control Law (RSA Chapter 163-B) against any person who throws, casts, drops, places, or otherwise deposits or who causes the throwing, casting, dropping, placement or deposit of circulars, handbills, dodgers, newspapers, paper, booklets, posters, other printed matter or advertising literature: (1) on streets and other ways, town parks, public beaches and other town property without the consent of the Board of Selectmen; or (2) on any privately owned yard, grounds, porch, vestibule, doorstep or common hallway without the consent of the property owner or tenant in lawful possession.
- B. For all applications of this ordinance, it shall be presumed that the deposit of such material is without the consent of the property owners or tenant in lawful possession, and the burden shall be on the person(s) depositing such material or causing the deposit of such material to produce evidence of consent.

- C. The following shall be exempt from the provisions of this ordinance:
1. Circulars, newspapers, bulletins or other printed matter to which an occupant of private property subscribes.
 2. Printed matter of any type which is affixed to a door or doorway in a lawful manner.
 3. Printed material placed in a receptacle or container in accordance with RSA-B:3, II.
- D. The provisions of this ordinance are severable. If any provision herein is determined to be unlawful by a court of competent jurisdiction, the remaining provisions shall remain in effect.
- E. This ordinance shall take effect 30 days after passage.