

**#28 Litter Ordinance**  
**Litter Control Law**

Adopted March 15, 1997, Article 17  
Amended March 14, 2017, Article 28

WHEREAS, RSA 163-B:2 defines "litter" to mean all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description; and

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;

WHEREAS, the Board of Selectmen of the Town of Rye has determined that circulars, handbills, dodgers, newspapers, paper, booklets, posters and 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 high way, public hallway or private property without the consent of the property owner, constitute discarded material.

WHEREAS, the Board of Selectmen of the Town of Rye has determined that any pet waste, bagged or not, when left, thrown, cast, dropped or deposited in any manner in any public place or on any yard, grounds, street, road or public highway, or private property without the consent of the property owner, constitutes discarded material.

NOW, THEREFORE, BE IT ORDINATED 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 pet waste and/or waste bag, 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. It shall be the duty of each person who owns, possesses or controls a dog to immediately remove and dispose of any feces left by his/her dog. Pet waste and/or pet waste bags shall not be temporarily placed on public or private property without the owner's consent.
- C. 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.
- D. The following shall be exempt from the provisions of this ordinance:

1. Circulars, newspapers, bulletins or other printed matter to which an occupant or private property subscribes.
  2. Printed matter of any type which is affixed to a door or doorway in a lawful manner.
  3. Pet Waste and/or pet waste bag or printed material placed in a receptacle or container in accordance with RSA-163-B: 3, II (Such litter is placed into a litter receptacle or container installed on such property;)
- E. The provisions of this ordinance are severable. If any provision herein is determined to be unlawful by a court or competent jurisdiction, the remaining provisions shall remain in effect.
- F. This ordinance shall take effect 30 days after passage.