

ARTICLE I
Waste Management
[Adopted 8-3-1992 by L.L. No. 10-1992]

§ 169-1. Findings.

The Town Board of the Town of Amherst finds that:

- A. Methods of waste management emphasizing source reduction, recovery, conversion and recycling of wastes are essential to the long-range preservation of the health, safety and welfare of the public, to the economic productivity and environmental quality of the Town of Amherst and to the conservation of resources.
- B. The New York State Solid Waste Management Act of 1988 requires that municipalities adopt a local law or ordinance by September 1, 1992, for the separation of waste into recyclable, reusable or other components for which economic markets for alternate uses exist.

§ 169-2. Purpose.

This article is enacted for the following purposes:

- A. To preserve the long-range health, safety and welfare of the public and the economic productivity and environmental quality of the Town of Amherst by conserving resources and reducing potential pollution of the environment.
- B. To establish methods of collection, reduction and separation to encourage efficient utilization of the waste disposal facilities and effective reuse of wastes.

§ 169-3. Definitions.

As used in this article, the following words, terms or phrases shall have the meanings indicated:

AGRICULTURAL USES — The development and cultivation of the soil for planting of trees, fruits, vegetable or flowers.

APPEARANCE TICKET — Written notice issued and subscribed to by a duly authorized person directing a designated person to appear in a designated local criminal court at a designated future time in connection with an alleged commission of a designated offense. A notice conforming to such definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law or by any other title.

ASH RESIDUE — The noncombustible constituents of waste remaining after combustion or incineration. (e.g., residue from a fireplace, solid-fuel stove or incinerator).

CANS — Empty containers composed of aluminum, tin, steel or any metal alloy which formerly contained only nonaerosol edible substances, or such empty metal containers as have been approved by recycling regulations.

CARDBOARD — Heavy paper items normally used for packaging, mailing, shipping or containing goods, merchandise or other material but excluding plastic, foam or wax-coated or soiled contaminated heavy paper items.

COLLECTION — The act of picking up waste material from the public right-of-way abutting homes, businesses or industrial sites.

COMPOST — Organic material which may be reduced to humus through organic activity.

COMPOSTING — A process through which organic materials such as grass and leaves are reduced to humus through organic activity.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste material from building, remodeling, repair and/or removal of homes, office buildings, industrial plants or schools, including but not limited to wood scraps, metal, concrete, brick, block, wires and industrial packaging material.

CONTAINER — A permanent container made of metal or vinyl which is airtight and watertight and provided with a tight-fitting cover, or disposable plastic or heavy paper bag which, when closed by lacing, is airtight and watertight and of sufficient strength to prevent breakage and leakage.

EXTRACTION PROCEDURE (EP) TOXICITY TEST — A series of laboratory tests designed to determine the level of toxicity in solid waste or landfill material.

GARBAGE — All table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof (and materials ordinarily used for food which have become unfit for such use or which for any reason have been discarded), including market refuse and waste from handling, storage or sale of produce.

GARDENING OR LANDSCAPE USES — The development and cultivation of herbs, fruit, vegetables and flowers.

GLASS CONTAINERS — All clear (flint), green and brown (amber) colored glass containers, excluding crystal, ceramic, light bulbs,

plate, window, laminated, wired or mirrored glass and glass cookware.

LARGE HOUSEHOLD FURNISHINGS — Large and/or bulky articles actually used in the home which equip it for living, including but not limited to chairs, sofas, tables, beds and carpets.

LEAD-ACID BATTERIES — A type of electrical storage battery commonly used in automobiles and trucks.

MAGAZINES — Any type of magazine which would be normally delivered through the mail or purchased at a newsstand. Excluded are large glue-bound catalogs, telephone books, periodicals or hardbound printed material.

MAJOR APPLIANCES — Large and/or bulky mechanisms ordinarily operated by gas or electric current, including but not limited to refrigerators, freezers, washers, dryers and stoves.

NEWSPAPER — Paper of the type commonly referred to and known as "newsprint" and delivered at stated intervals, usually daily or weekly, having printed thereon news and opinions, containing advertisements and other information or communication, periodicals and paper that have a shiny or wax-coated surface.

NONRECYCLABLE REFUSE AND RUBBISH — All waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing, straw, dirt and ashes.

PAINT — A substance composed of solid coloring matter suspended in a liquid medium and applied as a protective or decorative coating to various surfaces or to canvas or other material.

PERSON — Any corporation, firm, partnership, association, organization or other entity, as well as an individual.

PLASTIC CONTAINERS — Empty plastic food and beverage containers, as defined by the recycling regulations, including but not limited to containers used for milk, detergent, apple cider, water, soft drinks and vegetable oil.

PUBLIC RIGHT-OF-WAY — The land abutting a given premises between the sidewalk and curb, or the land beyond the pavement or stone of the road, street, ally or highway as surveyed or laid out in the records of the Superintendent of Highways.

RECYCLABLE MATERIAL — All material specified by the Town of Amherst for collection pursuant to this article and/or the recycling regulations promulgated hereunder, including but not limited to cans, glass containers, newspaper, plastic and corrugated cardboard.

RECYCLING CONTAINER — A rectangular container to store and carry recyclable material into the public right-of-way for collection.

RECYCLING REGULATIONS — Rules pursuant to this article set forth by the Office of Refuse Control to implement the program established and known, pursuant to this article, as the "Town of Amherst Waste Management Code."

REFUSE CONTROL OFFICER — An individual appointed by the Town Board of the Town of Amherst to enforce the local law known as the "Town of Amherst Waste Management Code."

SILVICULTURAL USES — The development, cultivation and reproduction of trees.

SOURCE-SEPARATED — Waste material prepared for collection at the premises of generation.

TIRES — Rings or bands of rubber, either solid or hollow and inflated, placed over the rims of wheels to provide traction, resistance to wear or other properties, including the following:

- A. Passenger car: size thirteen-inch, fourteen-inch, fifteen-inch and sixteen-inch.
- B. Light truck: size sixteen-inch through nineteen-inch.
- C. Semitrucks: size up to and including 1124.5 Series.

TOTES — Town-authorized containers of a capacity of 95 gallons or 65 gallons for the storage and collection of household garbage.**[Added 4-16-2007 by L.L. No. 5-2007]**

USED OIL — Any motor oil previously used in machinery but not including other petroleum fluids.

WASTE — Products and materials to be discarded after use from any premises within the Town of Amherst.

YARD WASTE — Grass, leaves, brush, plants, weeds or dirt materials from vegetable and flower gardens, lawns and yards or ash from fireplaces or wood stoves.

§ 169-4. Program established.

There is hereby established a program for separation and preparation for the collection of waste material. The program shall be under the supervision of the Town of Amherst Office of Refuse Control, who shall make rules and regulations for its implementation subject to the approval of the Town Board. Such rules and regulations shall be known as the "Town of Amherst Waste Management Law."

§ 169-5. Preparation of waste material for collection.

All waste material placed in accordance with this article for collection in a public right-of-way shall be prepared as follows:

- A. Garbage and household solid waste shall be placed in tote units with lids completely closed. **[Amended 4-16-2007 by L.L. No. 5-2007]**
- B. Recyclable material.
 - (1) Recyclable material shall be placed in recycling containers as follows:
 - (a) Newspapers shall be placed in a recycling container or placed in paper bags.
 - (b) Corrugated cardboard, including boxes, shall be disassembled, flattened, bundled and tied.
 - (c) Cans, glass containers and plastic containers shall be rinsed of original contents. Caps and rings shall be removed from glass containers.
 - (2) No materials other than recyclable material prepared in accordance with this article shall be placed in a recycling container.
- C. Yard waste, brush and tree parts.
 - (1) Yard waste shall be placed out for collection on the same day as normal garbage in the following manner: All yard waste will be placed in solid-bottom containers or in paper yard waste bags. No yard waste will be placed in any plastic bag for pickup.
 - (2) Brush and tree parts which result from work performed by the owner or occupant of the residence may be placed for collection with the yard waste, if it is tied in bundles that are no longer than four feet in length, 24 inches in diameter and weigh no more than 60 pounds. Small amounts of brush may be placed in solid-bottom containers.
 - (3) Nothing herein shall prevent any person from utilizing yard waste for compost, mulch or other agricultural, silvicultural, gardening or landscape uses.
- D. Reasonable amounts of construction and demolition debris which result from work performed by the owner or occupant of a

residence may be placed for collection in containers or tied in bundles not exceeding 60 pounds in weight.

E. Major appliances; large household furnishings.

(1) Major appliances or large household furnishings may be placed for collection on the scheduled collection day.

(2) It shall be unlawful for any person to discard or place any refrigerator or freezer in a public right-of-way for collection unless the latching or locking mechanism on the door or doors of the same have been removed or dismantled.

F. All used oil and paint shall be disposed of properly. There will no discharge of any oil or paint into any waterway or drainage system.

G. Lead-acid batteries shall not be placed in any waste container.

H. To reduce the risk of bodily harm, protruding nails, glass and/or other sharp objects shall be rendered harmless prior to being deposited in containers or bundled for collection.

I. All ash residue must be cool, dampened and contained so as to reduce the risk of fire and personal injury.

J. No bundle or filled container prepared for collection shall exceed 48 inches in length, 40 gallons in volume or 60 pounds in weight.

§ 169-6. Collection of waste material. [Amended 4-24-2006 by L.L. No. 4-2006; 4-16-2007 by L.L. No. 5-2007; 2-27-2012 by L.L. No. 2-2012; 4-3-2017 by L.L. No. 12-2017; 6-19-2017 by L.L. No. 16-2017]

The Town of Amherst Refuse Control Office shall designate the days and times for the removal of all waste from the public roads, streets, highways and alleys in the Town of Amherst, outside the corporate limits of the Village of Williamsville. On designated days, it shall be lawful for any person to place within the public right-of-way abutting his or her premises waste prepared in accordance with this article, provided that his or her premises are subject to a garbage district fee.

A. All waste to be collected by the Town of Amherst or its designated agent shall be placed for collection by 7:00 a.m. on the designated collection day. The Town of Amherst hereby assumes no responsibility to collect waste that is placed for collection after 7:00 a.m. on the designated collection day.

- B. No solid waste shall be placed within the public right-of-way earlier than 12:00 noon of the day prior to the designated collection day.
- C. All containers shall be removed from the public right-of-way or other place of collection by the occupants of the premises where collected no later than 7:00 p.m. of the designated collection day.
- D. Move Out, Clean Up and Bulk Garbage Disposal: Residents and property owners are only allowed to place eight (8) items in addition to their garbage totes at the curb for pick up. If there are more than eight (8) items, and/or such items are placed at the curb prior to 12:00 noon on the day before the scheduled collection, property owners will be assessed a move out fee of Two Hundred and Fifty Dollars (\$250.00) by way of official citation payable to the Town of Amherst.
- E. All residents shall source-separate and prepare recyclables pursuant to the provisions of this article and the recycling regulations of the Office of Refuse Control.
- F. Prohibited waste.
 - (1) The Town of Amherst hereby assumes no responsibility to collect, and no person shall place in a public right-of-way, the following waste material:
 - (a) Waste material generated outside the Town of Amherst or from any property not in the garbage district of the Town of Amherst.
 - (b) Waste material generated on premises which does not abut the same public right-of-way.
 - (2) The fact that waste material is in a public right-of-way shall be rebuttal prima facie evidence that such material was placed there by the owner of the property abutting that public right-of-way.

§ 169-7. Collection of recyclable material.

- A. Private collection programs for multiresidential complexes.
 - (1) The owner, manager or superintendent of every multiresidential complex shall provide and maintain, in a neat and sanitary condition, recycling collection areas to receive newspapers and other designated recyclables included in the curbside collection programs which are generated by

residents of the complex. In cases where a condominium, cooperative, homeowners' or similar association exists, the association shall be responsible for provision and maintenance of the recycling collection areas. Said recycling collection areas shall be established by January 1, 1993, to include all items presently collected in the residential portion of the garbage and refuse district of the Town of Amherst.

- (2) The owner, manager or superintendent of each multiresidential complex above shall arrange for the collection of recyclables from the recycling collection areas.
- (3) The number and design of the collection areas required by this section for each complex shall be consistent with guidelines provided by the Office of Refuse Control.

B. Commercial, industrial and institutional source-separation programs.

- (1) All commercial, industrial and institutional establishments within the Town of Amherst shall source-separate and arrange for the collection of recyclable material where known markets or secondary uses are available.
- (2) The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which the recyclables are generated ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitations, direct marketing of recyclables, contracts with permitted solid waste collectors/haulers for separate collection of any or all designated recyclables, contracts with other persons for separate collection of any or all designated recyclables or direct delivery to a designated processing facility.

§ 169-8. Removal of waste generated by contractors.

- A. All brush and tree parts removed by commercial contractors must be removed from premises by the contractor. Such brush and tree parts may not be placed within a public right-of-way, except temporarily if necessary in the course of the work which produced the brush and tree parts.

- B. All construction and demolition debris produced by a commercial contractor must be removed from the premises by the contractor. Said debris may not be placed within a public right-of-way, except temporarily if necessary in the course of the work which produced said debris.

§ 169-9. Ownership of recyclables placed for collection.

Any time a resident places any material within a public right-of-way for collection by the Town of Amherst, that recyclable material shall become the property of the Town of Amherst. No person, unless acting under authority of the Town of Amherst or its authorized agent, shall collect, pick up or remove or cause to be collected, picked up or removed any recyclable material so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this article; provided, however, that where the Town of Amherst has refused to collect recyclable material because it has not been placed or prepared according to the provisions of this article, the person responsible for initially placing that material shall remove it from the public right-of-way.

§ 169-10. Hazardous waste.

- A. The Town of Amherst shall not collect or allow to be collected dangerous, hazardous or chemically toxic wastes, including but not limited to the following:
- (1) Dangerous wastes. Wastes that represent an immediate threat to the safety of employees of the Town of Amherst and/or the general public, including but not limited to waste with jagged or protruding objects, broken glass or nails.
 - (2) Hazardous wastes, as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:
 - (a) Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.
 - (b) Corrosive wastes, such as containers of battery acid or metal-cleaning bath sludges (e.g., sodium hydroxide or sulfuric or hydrochloric acid).
 - (c) Reactive wastes, such as cyanide metal-plating sludges or any waste that will react violently with water or which generates toxic gases, vapors or fumes (e.g., sodium metal).

- (d) EP toxicity test wastes which produce an extract containing contaminants such as arsenic, lead, chromium, silver or herbicides; or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in state law and regulations.
 - (e) Toxic wastes, such as sludges from solvent recovery, solvents and the industry-specific wastes listed in the regulations of the Commissioner of the New York State Department of Environmental Conservation.
 - (f) Medical waste: any infectious medical waste, subject to the provisions of the New York State Health Law as classified as infectious waste.
- B. Dangerous, hazardous or chemically toxic wastes should be disposed by the owner or producer in a manner acceptable under all state and federal laws and regulations. **[Amended 4-16-2007 by L.L. No. 5-2007]**

§ 169-11. Dumping prohibited. [Amended 7-15-1996 by L.L. No. 5-1996]

- A. No person shall dump, drop, deposit, abandon or otherwise dispose of any garbage, refuse, rubbish, debris, recyclable material or other waste in or on any public right-of-way, road, street, highway or alley in the Town of Amherst, outside the Village of Williamsville, unless contained and prepared as specified in this chapter.
- B. No person shall dump, drop, deposit, abandon or otherwise dispose of any garbage, refuse, rubbish, debris, recyclable material or other waste in or upon any privately owned land in the Town of Amherst, outside of the Village of Williamsville.
- C. Dumping, dropping or depositing of clean fill consisting only of rock, concrete, soil, stone or clay is permitted on privately owned land by the owner or other person, having the written consent of the owner, for grading purposes only. This requirement for written consent shall not be applicable for filling operations being conducted in conjunction with a valid site plan, building permit or plumbing permit. No fill shall be deposited or graded into wetland or wetland buffer areas in violation of state or federal law or regulation or any Town ordinance, law or regulation. Dumping of

fill material except as specifically permitted in this subsection is a violation of this chapter.

- D. No person shall dump, drop, deposit or otherwise dispose of any garbage, rubbish, debris, yard waste, fill material or any other waste in any waterway, Town drainage system, receiver catch basin or manhole in the Town of Amherst, outside the Village of Williamsville.

§ 169-12. Unsanitary conditions prohibited.

No person shall allow, permit or cause to exist any unsanitary or filthy condition in, on or about any premises owned, used or occupied by said person. The owner, lessee, tenant or other person having management or control of or occupying any lot, premises, dwelling or other building in the Town shall keep the same at all times free and clean of any accumulation of garbage, refuse, yard waste or discarded matter of any type, except as provided for in this article.

§ 169-13. Removal of uncollected waste.

Where the Town of Amherst has not collected waste material because it was not placed or prepared in accordance with the provisions of this article, the person who placed it for collection and the owner of the real property whereon the waste material was generated shall remove such material as soon as possible after the Town or designated contractor has refused collection and, in any event, by 7:00 p.m. of the designated collection day. The failure to remove any such material by 7:00 p.m. of the designated collection day shall constitute a violation of this article.

§ 169-14. Burning restrictions.

No person shall ignite or burn or cause to be ignited or burned any garbage within the Town of Amherst, unless such is placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto.

§ 169-15. Maintenance of property.

It shall be the duty of the owner, lessee or occupant of every residence, store dwelling or other building within the Town of Amherst, outside the corporate limits of the Village of Williamsville, to keep such residence, store, dwelling or other building with all its appurtenances or parts thereof occupied by such occupant clean and free from all kinds of flammable waste or waste that is easily ignited

and to keep sidewalks and all yard areas on the occupied premises free, clear and clean of all waste of any kind or description.

§ 169-16. Storage regulations.

A. Containers and storage.

- (1) All containers or receptacles used for storing garbage or refuse shall be of such material and so constructed as to withstand the use for which they are intended without breaking or collapsing.
- (2) Garbage shall be stored in covered rodent-proof tote units or other watertight, metal or plastic containers that are rodent-proof and designed for the purpose of storing all household garbage. Other than the tote units issued by the Town, containers shall not exceed a forty-gallon capacity nor weigh more than 60 pounds when filled. **[Amended 4-16-2007 by L.L. No. 5-2007]**
- (3) Plastic bags containing garbage or household solid waste may not be placed in the right-of-way for collection unless contained in an approved, Town-provided tote or other metal or plastic rodent-proof container designed for the purpose of storing household-generated garbage. **[Added 4-16-2007 by L.L. No. 5-2007]**
- (4) Except as permitted hereinafter, refuse shall be stored in metal, plastic or vinyl containers designed for that purpose or bushel baskets with handles or in containers or bags specifically designed for certain classifications of debris or yard waste. All tree trimmings, logs, branches and trunks shall be cut a length not exceeding four feet and securely tied in bundles not more than two feet thick. In no event shall any container, bag or bundle exceed 60 pounds in weight.
- (5) During the months of October and November when the volume of leaves makes it impractical to place them in containers, leaves may be placed in piles not exceeding six feet in diameter at the curbline but shall not be placed on the paved portion of the highway.

- B. Permitted Placement.** Except as hereinafter permitted, it shall be the duty of the owner, lessee, tenant, occupant or other person having control or management of any dwelling or other building in the Town to keep all garbage and refuse containers or receptacles inside the dwelling or other building, garage or other

enclosed structure constructed according to the Building Code for that purpose or, if stored outside, behind the front elevation of the primary building on the property provided that the totes are at least partially obstructed from view from the street such as along the side of the house. **[Amended 2-8-2016 by L.L. No. 3-2016]**

C. Special provisions.

- (1) Holiday trees may be placed at the curbline or pavement line for collection during December and the first 15 days of January without being cut and bundled as otherwise herein required.
- (2) Portable transfer containers designed to be transported by motor vehicle, exceeding the capacity and weight authorized by this section, may be used for the outdoor storage of garbage and refuse on premises occupied for commercial, industrial, institutional and apartment uses. Such containers shall be emptied or replaced whenever full and, in any event, at least once a week.

§ 169-17. Prevention of spills during collection.

Every person who shall engage in the business of collecting garbage and rubbish within the Town of Amherst shall use for that purpose a box or vessel so constructed as to prevent the escape of any such garbage or rubbish therefrom. Such a box or vessel shall at all times, when not necessarily opened for the purpose of depositing the material collected therein, be kept securely covered.

§ 169-18. License required for collectors.

For the preservation of the health, peace and good order of the community, no person shall collect any garbage or rubbish within the Town of Amherst without first procuring from the Town of Amherst, with the approval of the Town Board of said Town, a license therefor under the following terms and conditions:

- A. Upon the issuance of a license under this article, the Town Clerk shall collect the following fees for each truck owned or operated by the applicants within the Town:
 - (1) For a truck collecting from commercial establishments only and having four collection stops or fewer: \$25.
 - (2) The sum of \$100 for all other trucks collecting garbage and rubbish within the Town.

- B. No license shall be issued for any truck unless and until a schedule of collecting stops or areas served for each day of the week by such trucks or persons owning the same is filed with the Town Clerk.
- C. No license shall be issued for any truck collecting garbage within the Town unless it is closed in a box- or vessel-type vehicle so constructed as to prevent the escape of any such garbage or offensive odors therefrom.
 - (1) Such trucks or vehicles shall be subject to inspection by a designated employee of the Office of Refuse Control at such intervals as the Senior Refuse Control Officer shall determine. Upon the certification of the Office of Refuse Control that any such truck or vehicle does not comply with this article, the Town Clerk shall immediately revoke the license issued for such truck or vehicle.
 - (2) A truck or vehicle on which a license has been revoked shall not be relicensed until the Office of Refuse Control certifies that it complies with this article and the owner pays the license fee prescribed by this article, plus a reissue and inspection charge of \$25.
 - (3) The provisions of this subsection shall be in addition to all other penalties or punishments as prescribed in this article.
- D. No license shall be issued for any such truck unless the applicant complies with all other rules or regulations which may from time to time be promulgated by the Town Board of the Town of Amherst.
- E. Upon the issuance of each license, the Town Clerk shall deliver to the applicant two license plates. The plates shall be of such material, form, design and dimensions and shall contain or set forth such distinguishing number as the Town Clerk shall prescribe. No person shall operate a truck or other motor vehicle for the purpose of collecting garbage or refuse within the Town unless such plates are securely fastened to each side of the truck or other vehicle not less than three feet nor more than six feet from the ground. If a truck or other motor vehicle is operated within the Town in violation of the foregoing provisions, the Town Clerk shall revoke the license issued therefor. The provisions of this subsection shall be in addition to all other penalties or punishments as prescribed in this article.

§ 169-19. Expiration date of licenses.

All licenses issued under this article shall expire on the 31st day of December following the date of issuance.

§ 169-20. Reporting of violations.

All employees or agents of the Town of Amherst, including those under contract to collect the waste, are hereby authorized to report each and every violation of this article to the Refuse Control Office.

§ 169-21. Enforcement.

- A. The Town of Amherst Refuse Control Office and such other person as may be designated by resolution of the Town Board of the Town of Amherst are hereby authorized and directed to enforce this article, to cause collections to be made according to this article and to cause to be printed and distributed proper notice to each premises within the garbage and refuse district and to notify persons governed by this article of the dates and times for waste collection and of any rules and regulations promulgated pursuant to this article.
- B. The Refuse Control Officers are hereby authorized to issue and serve appearance tickets and/or summonses with respect to violations of this article. **[Amended 4-16-2007 by L.L. No. 5-2007]**

§ 169-22. Penalties for offenses.

- A. Any violation by a person, firm or corporation of any provision of this article shall be deemed a violation and shall be subject to the following penalties: **[Amended 4-16-2007 by L.L. No. 5-2007]**
 - (1) First offense: written warning.
 - (2) Second offense within twelve-month period: a fine of \$50 to \$100.
 - (3) Third offense within twelve-month period: a fine of \$100 to \$150.
 - (4) Fourth offense within twelve-month period: a fine of \$150 to \$300.
 - (5) Any additional offense within twelve-month period: a fine of \$300 to \$500.

- B. Any person who takes part in or assists in any violation of this article shall also be subject to the penalties provided herein.
- C. Each day that a violation of this article is committed or permitted to exist shall constitute a separate offense.

§ 169-23. Severability.

If any section, sentence or part of this article is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this article.

§ 169-24. Effective date.

This article shall take effect September 1, 1992.