

Chapter 118
SOLID WASTE

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[HISTORY: Adopted by the Town Board of the Town of Rochester 2-27-1992 by L.L. No. 2-1992. Amendments noted where applicable.]

§ 118-1. Legislative intent.

- A. The Town Board of the Town of Rochester declares its intent to regulate in a manner consistent with the interest of its citizens the dumping of garbage, rubbish, refuse and similar waste material on lands within the town and to provide for the disposal thereof in the established solid waste transfer station. Garbage is a deleterious substance, and garbage dumps emit noxious odors and fumes. Unattended, private garbage dumps emit noxious odors and fumes. Unattended, private garbage dumps and disposal areas attract rodents and vermin and become breeding places for them. The process of burning garbage causes smoke and oxidized garbage to be given off into the air which the community breathes. All of these conditions adversely affect the welfare of the town citizenry and the development of the town unless they are properly and carefully regulated.
- B. Therefore, recognizing the above and the need of the community for an adequate and well-regulated procedure for the disposal of garbage, rubbish and waste and in the exercise of its police power in these regards, be it enacted by the Town Board of the Town of Rochester as follows:

§ 118-2. Application.

This chapter shall apply to dumping upon all lands, public or private, within this town, except upon such premises as are or may be lawfully established as a solid waste transfer station and thereon only in the manner herein provided.

§ 118-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL HAULER — Any person, firm, corporation, partnership or other association engaged in the business of collecting, disposing or transporting garbage, refuse or waste material in any part of the Town of Rochester.

GARBAGE — Any refuse from animal and vegetable matter, waste food or parts thereof; refuse from the kitchen, market, store or house; floor sweepings; table waste or animal or vegetable matter, meats, fish, bones, fat and all offal and organic waste substance or substances capable of decay, but shall not include waste from slaughterhouses, rendering plants or sanitary disposal systems.

PERSON — One or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, unincorporated associations, their agents or employees, societies, clubs and all other entities of any kind capable of being sued.

REFUSE — Includes waste metal, metal cans, ashes, cinders, glass, pottery, paper, cardboard, rags, bottles, rubbish, wood, lumber and all other discardable substances, other than garbage.

RESIDENT — A property owner or person having their domicile or residence of a temporary or permanent nature within the Town of Rochester, Ulster County, New York.

WASTE MATERIAL — Includes but is not limited to waste produced by industrial or manufacturing process, including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires, oils and large amounts of wood, concrete, rocks, bricks and other wastes from building operations.

§ 118-4. Placing garbage or waste in streets or streams prohibited.

It shall be unlawful for any person to throw, spill, place, deposit or leave or cause to be thrown, spilled, placed, deposited or left or permit any agent, servant or employee to throw, spill, place, deposit or leave in or upon any street, highway, alley, sidewalk, park, public building, in any running water or body of water within the Town of Rochester, any garbage, refuse, waste material or any other dirt or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to being carried by the wind or unwholesome or putrescible matter of any kind.

§ 118-5. Designation of solid waste transfer station.

- A. The premises owned by the Town of Rochester situate on Airport Road is hereby designated as the solid waste transfer station of this town and as the depository of garbage, waste and refuse by the residents, subject to the provisions of this law.¹
- B. No Person shall deposit any hazardous waste as defined in 6 NYCRR Part 371, et seq.

§ 118-6. Dumping prohibited.

The use of private or public lands within the Town of Rochester as a landfill dump, dumping ground, storage or disposal facility for refuse, waste or garbage is hereby prohibited.

§ 118-7. Discarded vehicles and other large articles.

No person shall carry or leave or cause to be carried or left upon the solid waste transfer site any automobile or motor vehicle or any part thereof, unless the same shall have been dismantled and the body thereof so compressed and flattened as to permit the same to occupy a minimum of space.

§ 118-8. Dead animals and fowl.

- A. No person shall carry or leave or cause to be carried or left upon the premises mentioned in § 118-5A any dead animal or fowl.
- B. No person, other than with permission of municipal or state agencies, shall carry or leave or cause to be carried or left upon the solid waste transfer station site any animal, waste, excrement, discharge, secretion or feces.

§ 118-9. Dumping hours.

No person shall dump or cause to be dumped any substance on the premises designated as the solid waste transfer station except at regular hours established by the Town Board. The hours shall be adopted by resolution of the Board and posted on the bulletin board in the Town Clerk's office.

§ 118-10. Removal and transportation.

All vehicles used in the transport of garbage, refuse and waste material operated on any street or highway within the town limits shall be equipped with a cover so as to prevent any material from escaping from the vehicle. The failure of any commercial hauler or private person to utilize covered vehicles for the transport of garbage, refuse or waste material shall, in itself, constitute a violation of this chapter.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 118-11. Burning prohibited.

No person shall ignite or cause to be ignited any fires or burn any material of any kind on the solid waste transfer station, except the authorized custodian.

§ 118-12. Permit or license required for landfill use.

- A. No person not in possession of a duly issued permit or license shall be permitted to use the solid waste transfer station. Any such permit or license shall not be sold, assigned, transferred or otherwise disposed of in any manner.²
- B. The Town Clerk of the Town of Rochester is hereby authorized to issue annual permits and identification stickers to qualified applicants and to collect such fees as have been established therefor by resolution of the Town Board. The Town Clerk shall also have the authority to generally administer the procedures incident to the issuance of permits and the collection of fees.
- C. All persons using the solid waste transfer station shall have a valid permit or identification device as issued by the Town of Rochester and shall display the same upon the request of any transfer station attendant.³

§ 118-13. Permit fees.

The Town Board shall from time to time by resolution establish such fees for the issuance of permits and identification stickers and devices and shall further establish tipping fees as it shall deem appropriate.⁴

§ 118-14. Private disposal sites prohibited.

No private solid waste transfer station shall be permitted.

§ 118-15. Disposal at lawfully established sites required.

It shall be unlawful to dispose of any garbage, refuse or waste material anywhere in the Town of Rochester except in a lawfully established solid waste transfer site operated by the town or at such other solid waste transfer site approved by the town, Ulster County Department of Health, Ulster County Resource Recovery Agency and the New York State Department of Environmental Conservation.

(Cont'd on page 11805)

² Editor's Note: Former Section 5.1B, restricting deposition in landfills by nonresidents, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴ Editor's Note: The fee schedule is on file in the town offices.

§ 118-16. Maintenance of premises; vacant lands

- A. It shall be unlawful for any person as owner, lessee, agent, tenant or otherwise to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited any rubbish, garbage, manure, offal or other decomposable organic or putrescible matter which will or could create a public nuisance or act as a breeding ground for or attraction to insects or vermin in or about any land or lot, vacant or otherwise, within the limits of the town.
- B. It shall be unlawful for any person to store or maintain upon any land or lot, vacant or otherwise, any object, discarded or not in current use, capable of collecting water which might serve as a breeding place for mosquitoes.
- C. It shall be unlawful for any person to deposit, place or store in or about any premises or vacant lands any combustible rubbish, refuse or waste material which might serve to increase the fire hazard in the surrounding area.
- D. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal, provided that such storage is accomplished by way of tightly covered containers or cans wherever practicable. Nor shall this section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same.⁵

§ 118-17. General regulations

- A. The solid waste transfer station shall be open to all permitted users on such days and at such times as the Town Board may from time to time establish.
- B. No dumping will be allowed at any time other than that established according to Subsection A.
- C. No person shall pick over or remove any object deposited at the solid waste transfer station site, except as authorized by the Town Board.
- D. No material shall be burned at the solid waste transfer station unless a Department of Environmental Conservation restrictive burning permit is obtained. Any person bringing hot ashes upon or otherwise causing a fire to start at the solid waste transfer station shall be subject to penalties imposed for violation of this chapter.
- E. No person shall deposit or cause to be deposited any substance of any kind at the solid waste transfer station site herein designated except at the places, time and in the manner directed by the person in charge of the premises under authority of the Town Board, whether such direction is given personally or by a sign or signs erected upon the premises by his authority.

⁵ Editor's Note: Former Section 10.1, Place or origin of garbage, waste or refuse, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 118-18. Penalties for offenses.

- A. Any person, as that term is defined in § 118-3, above, who commits or permits any act or acts in violation of any of the provisions of this chapter shall be guilty of a violation under the Penal Law and shall, upon conviction thereof, be liable to a penalty or fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment, for each and every offense. Each day the condition constituting such violation shall continue or be permitted to exist shall constitute a separate violation or offense.
- B. Conviction for any above-mentioned violation shall constitute and effect an immediate suspension or forfeiture of the license or permit, at the discretion of the court hearing said case.
- C. In addition, any person violating this chapter shall be subject, in lieu of criminal action, to a civil penalty enforceable and collectible by the town in the amount of \$500 for each such offense. Such penalty shall be collectible by and in the name of the town for each day that such violation shall continue.
- D. In addition to the above-mentioned penalties, the Town Board or any person aggrieved by the violation may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.
- E. The Town Board, in addition, shall have the right to suspend, revoke or cancel any permit or license issued when the holder of such license or permit violates the provisions of this law.⁶

⁶ Editor's Note: Former Section 13.1. Special permits, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).