

## LOCAL LAW 1 OF 2015

### A Local Law Amending the Town Code of the Town of Skaneateles Relative to Chapter 118 Refuse Disposal

**[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-5-1997 by L.L. No. 2-1997;<sup>1</sup> amended in its entirety 12-3-1999 by L.L. No. 3-1999. Subsequent amendments noted where applicable.]§ 118-1. Title.**

This chapter shall be known as the "Refuse Disposal Regulations of the Town of Skaneateles, 1972, as amended."

#### § 118-2. Legislative declaration.

- A. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Skaneateles and the safeguarding of their material rights against unwarrantable invasion and for the protection of the public health; and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens. It is further declared that the maintenance of a limited number of public refuse disposal areas is necessary to provide a small number of confined areas for the disposal of waste, which will facilitate the inspection of facilities for disposal of waste and facilitate the enforcement of sanitary regulations.
- B. It is further determined that the safeguarding of the health, safety and welfare of the inhabitants of the Town requires the establishment of regulations, controls and limitations on persons, methods, equipment, times of deposit and other factors relating to the transporting and disposal of refuse within the Town.

#### § 118-3. Definitions.

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

**BRUSH** — Tree parts, leaves, needles, branches and trimmings.

**BUSINESS** — Also known as an enterprise or a firm, is an individual organization involved in the trade of goods, services, or both to consumers.

**CLOSED CONTAINERS** — Garbage cans, barrels, crates, boxes or other similar sound containers with tight lids; it does not include open cardboard boxes or plastic film sacks or bags.

**COMMERCIAL HAULER** — Person or firm which, for pay, credit or any valuable thing, deposits refuse or recyclables at a Town refuse disposal area. **GARBAGE** — Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

**HAULER** — A person or firm which deposits refuse or recyclables at a Town refuse disposal area.

**LARGE DEPOSIT** — A load of refuse larger than a small deposit, as defined herein.

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1. Editor's Note: This local law superseded former Ch. 118, Refuse Disposal, adopted 10-26-1972 by L.L. No. 1-1972.

PERSON — An individual, corporation, partnership, group or association.

RECYCLABLES — Those materials able to be practically separated from nonrecyclable waste for which refuse markets can be accessed for the same or less than the costs of disposal. The specific materials constituting recyclables shall be determined by the Refuse Officer. [Amended by L.L. No. 3-2004]

REFUSE — All waste materials, including but not limited to garbage, rubbish, brush, incinerator residue, dead animals and offal.

REFUSE OFFICER — The person or persons designated, from time to time, by the Town Board by resolution or, if none is so designated, the Town Highway Superintendent.

RESIDENT — A person whose principal abode or whose temporary abode is within the Town.

RUBBISH — Solid or liquid waste material, including but not limited to paper and paper products, brush, leaves, garden debris, sawdust, wood chips, furniture, cans. "Rubbish" shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

SMALL DEPOSIT — A load of refuse transported by a passenger vehicle, a one-half-ton or three-fourths-ton pickup truck or trailer or other conveyance of like size or capacity or a load not exceeding such size.

SOURCE SEPARATION — The separation of recyclables from solid waste at the point of operation. [Added by L.L. No. 3-2004]

TOWN — The Town of Skaneateles.

TOWN REFUSE DISPOSAL AREA — A transfer station or other facility or area operated by the Town for the disposal of refuse and/or collection of recyclables.

TREE OR LAWN SERVICE COMPANY – A business or service that disposes of lawn or tree waste from properties within the Town of Skaneateles at the Town Refuse Disposal Area.

#### **§ 118-4. Restrictions.**

- A. No person shall place, dump, spill or otherwise deposit refuse or recyclables in or upon any creek, lake or public waters within the Town or any public highway, public right-of-way or property owned, leased, occupied or operated by the Town, or any division or department thereof, except upon a Town refuse disposal area in a manner fully conforming to the requirements of this chapter.
- B. If refuse or recyclables deposited in or upon any creek, lake or public waters within the Town or any public highway, public right-of-way or property owned, leased, occupied or operated by the Town or any division or department thereof is found to contain, as addressee or consignee, the name of a person, there shall be a rebuttable presumption that such refuse was deposited by that person in violation of this chapter.
- C. All persons in the Town shall source separate recyclables from nonrecyclable solid waste. [Added by L.L. No. 3-2004]
- D. Only Residential Permit Holders can deposit automobile/pickup truck tires which will be limited to 12 per year.

- E. Only Residential Permit Holders can make Small Deposits of construction and demolition refuse.

**§ 118-5. Transporting refuse or recyclables.**

- A. No person shall transport refuse or recyclables upon any public highway in the Town except by means which shall positively prevent spillage, by dropping, dripping, blowing or otherwise, of any of the refuse or recyclables or containers thereof from the vehicle.
- B. If a truck, trailer or similar vehicle is used for transporting, all refuse or recyclables shall be enclosed entirely within a solid body or entirely surrounded by a substantial tarpaulin or similar flexible cover, positively secured, or entirely within a combination of such solid body or positively secured flexible cover.
- C. If a passenger vehicle is used for transporting, all refuse or recyclables shall be entirely within the closed body thereof.
- D. Notwithstanding Subsections B and C of this section, refuse and recyclables entirely within closed containers may be transported without further coverage, provided that they are of such type as to prevent spillage and provided, further, that they are securely restrained in the vehicle. In a partially open truck, such closed containers may not be loaded at any point higher than the lowest level of the solid body, unless secured to prevent spillage.
- E. Brush, metal parts and similar refuse may be transported uncovered only if securely tied or positively restrained so as to prevent spillage.

**§ 118-6. Town refuse disposal area.**

- A. Designation. The Town Board may, from time to time, designate one or more Town refuse disposal areas.
- B. Hours. The Town Board shall establish, by resolution, from time to time, the periods during which Town refuse disposal areas shall be open for the deposit of refuse. Except in emergencies, notice of such periods shall be published in the official newspaper of the Town not less than one week prior to the effective date. Periods may vary as between commercial haulers, large-volume haulers and other haulers and the Town Board may also vary the periods of time of acceptance of certain types of refuse identified in Subsection D of this section. [Amended 12-18-2008 by L.L. No. 7-2008]
- C. Deposit of refuse. Refuse and recyclables shall be placed or deposited only in the manner and in the locations specified by the Refuse Officer. The Refuse Officer may require that different types of refuse and recyclables within a single load be separated and deposited in two or more different locations within the Town refuse disposal area. The Refuse Officer may require commercial haulers to deposit refuse and recyclables at different days, times and locations.. The Refuse Officer shall also require commercial haulers to deposit all recyclables collected from Town residents at a Town refuse disposal area.
- D. Prohibited refuse. The following refuse shall not be deposited at a Town refuse disposal area:
  - (1) Refuse which has not originated or become waste while within the Town, unless the Town Board shall, by resolution, authorize such refuse to be deposited pursuant to a permit. If refuse deposited in a Town refuse disposal area is found to contain, as

addressee or consignee, the name of a person not a resident of the Town or an address not in the Town, there shall be a rebuttable presumption that such refuse was deposited in violation of this chapter.

- (2) Refuse for which proper disposal requires handling or treatment other than burial within a sanitary landfill. The costs of special handling or treatment (such as mixing with other refuse, separation, distribution or large loads or testing) shall be borne by the hauler which deposits the refuse.
  - (3) Refuse or recyclables not transported to the Town refuse disposal area in complete compliance with the requirements of § 118-5, Transporting refuse or recyclables.
  - (4) Liquids in quantities exceeding five gallons per load.
  - (5) Tires, all sizes and quantities. (See Section 118-4 (D) for exception)
  - (6) Appliances containing refrigerant, unless the proper disposal fee has been paid.
  - (7) Foul wastes, including but not limited to dead animals, carrion or animal parts, manure or feces, putrid or decaying meat or vegetables (except such as ordinarily originate in the home) or other materials offensive by reason of smell.
  - (8) Individual items or units of refuse larger than two cubic yards in volume or heavier than 200 pounds.
  - (9) Vehicle bodies, machinery or parts thereof larger than two cubic yards or heavier than 200 pounds.
  - (10) Construction and demolition refuse in Large Deposits. . (see 118-4 E for exception)
  - (11) Sludge or other material from septic tanks or sewage treatment systems.
- E. Speed limit. No vehicle shall travel at a greater speed than 15 miles per hour within the limits of any property on which the Town has designated or has established a Town refuse disposal area.

**§ 118-7. Refuse Officer.**

- A. Duties. The Refuse Officer shall direct the operation of all Town refuse disposal areas.
- B. Delegation. The Refuse Officer may, from time to time, delegate such power and authority to any person or persons.
- C. Determination of refuse prohibited. The Refuse Officer shall determine whether refuse sought to be deposited at the Town disposal site is prohibited by this chapter.
- D. The Refuse Officer may determine to suspend or revoke any permit to deposit refuse or recyclables at a Town refuse disposal area. Upon notification of a suspension or revocation, any reentry upon a Town refuse disposal area by the suspended or revoked person or firm shall constitute a trespass and shall be subject to the provisions of the New York Penal Law.
- E. Appeal of determinations. Any determination of the Refuse Officer may be appealed by any aggrieved person to the Town Board within one week after such determination is made.

- F. Refuse Officer or delegate may make the determination to deny access based on these rules and regulations.

**§ 118-8. Scavengers.**

No scavenging, salvaging or removal of any refuse or recyclables deposited at the Town refuse disposal area shall be permitted, except by persons specifically designated by the Refuse Officer. Materials scavenged, collected or salvaged shall be taken from the Town refuse disposal area within 24 hours of deposit.

**§ 118-9. Permits and fees.**

- A. Permit required. No person or firm shall deposit refuse or recyclables at any Town refuse disposal area without a valid permit.
- B. Permit categories and fees. The Town Board may, from time to time, by resolution, establish, for permit purposes, categories of deposits and haulers and fees therefor. Permit fees for commercial haulers may be established on the basis of the number of customers, type of equipment, number, weight or volume of loads deposited or any combination thereof. [Amended 12-18-2008 by L.L. No. 7-2008]
- C. Security deposits. The Town Board may, by resolution, provide for cash deposits, bonds, insurance or other provisions by commercial haulers to protect the Town's interest, secure fee payments and compliance with this chapter.
- D. Transferability. Permits shall not be transferable, except upon specific approval of the Town Board. Vehicle stickers shall not be transferable.
- E. Proof of residency. Proof of residency shall be established by a driver's license, auto registration or other suitable documents. Commercial haulers shall, at least annually, make available to the Refuse Officer, at a place designated by the Refuse Officer within the Town, a complete list of all customers of the hauler.
- F. Additional fee for disposal of certain types of refuse. The Town Board may, from time to time, by resolution, in its discretion, establish fees for the disposal of any category or type of refuse, regardless of the type of user. This fee would be additional to any permit fee and/or any other fee, deposit, bond, or insurance required by the provisions of this chapter. [Added 12-18-2008 by L.L. No. 7-2008]

**§ 118-10. When deposit prohibited.**

The entering of, trespassing on or dumping or depositing of refuse upon any Town refuse disposal area is prohibited at any time during which the area is not open for such depositing of refuse.

**§ 118-11. Penalties for offenses.** [Amended 12-18-2008 by L.L. No. 7-2008]

- A. Any person, firm or corporation which violates any provision of this chapter or the regulations established hereunder shall be guilty of an offense against this chapter and be subject to a fine of not less than \$50 nor more than \$250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person, firm or

corporation which violates any of the provisions of this chapter or the regulations established hereunder or which shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not less than \$50 nor more than \$100. The imposition of penalties for any violation of this chapter or the regulations issued hereunder shall not excuse the violation nor permit it to continue. The application of other above penalty or penalties or prosecution for a violation of any provision of these regulations shall not prevent the suspension or revocation of a permit or the enforced removal of conditions prohibited by these regulations. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable to the offender, in addition to the aforesaid criminal and civil penalties, and may be recovered in a civil court of appropriate jurisdiction. When a violation of any of the provisions of these regulations is continuous, each day thereof shall constitute a separate and distinct violation, subjecting the offender to an additional penalty. The foregoing penalties are separate from and in addition to penalties prescribed by any other applicable statutes, ordinances, local laws or regulations.

- B. Upon finding a violation of any section of this chapter, in addition to any other action authorized by this chapter or any other applicable statute, ordinance, local law or regulation, the Refuse Officer is hereby authorized and empowered to issue an appearance ticket pursuant to the New York State Criminal Procedure Law § 150.20.
- C. A permanent record of all notices of violations and their disposition shall be kept in the offices of the Refuse Officer or the Town Clerk, at the direction of the Town Board.
- D. Complaints of violations. Whenever a suspected violation of this chapter occurs, any person may file a signed written complaint reporting such violation to the Refuse Officer. The Refuse Officer may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Refuse Officer and reported to the Town Board. The Town Board may by blanket resolution authorize the Refuse Officer to act independently in all cases or particular class of cases.