

Chapter 201. SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Oyster Bay as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Public Works Department — See Ch. [4](#), Art. [XI](#).

Junk and junk dealers — See Ch. 138.

Storage and handling of oil — See Ch. [164](#).

Part 1. Solid Waste Regulations

Article I. General Provisions

§ 201-1. Definitions.

[Amended 1-13-1987]

For the purpose of this Part 1, the following terms shall have the following meanings assigned to them, unless noted otherwise:

ASHES

The residue from the burning of wood, coal, coke or other combustible materials.

AUTHORIZED LITTER RECEPTACLE (for the purposes of Article V of this Part 1)

A litter storage and collections receptacle larger than 10 gallons in volume capacity but less than 32 gallons in volume capacity.

[Amended 3-12-1991 by L.L. No. 1-1991]

AUTHORIZED PRIVATE RECEPTACLE (for the purpose of Article V of this Part 1)

A litter storage and collection receptacle, not to exceed 32 gallons in volume capacity.

[Amended 3-12-1991 by L.L. No. 1-1991]

BIOLOGICAL WASTE

Human bodies, animal bodies and parts, tissues or blood from human bodies or animal bodies.

BULKY ITEMS

Consist of any materials or items longer or wider than four feet, including but not limited to refrigerators and freezers; television sets; fenceposts or rails longer than four feet; boilers, furnaces, stoves, hot-water heaters or other major appliances; household or office furniture; and rubber tires.

BUSINESS AREA

Any area where businesses are located or operating.

CLEAN FILL

Material consisting of concrete; steel; sand; dirt; soil; glass; and uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of structures and roads, including but not limited to bricks, concrete and other masonry materials, rock, nonasbestos insulation, roofing shingles, asphaltic pavement and metals that are incidental to any of the above. Materials specifically excluded from this definition include but are not limited to asbestos waste, garbage, corrugated container board, plumbing fixtures, electrical wiring and components, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers,

carpeting, furniture, appliances, tires, drums and containers, fuel tanks, wood, wall coverings, plaster, drywall, plastics, any uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility-line maintenance and seasonal and storm-related cleanup and any waste that is unrecognizable due to pulverizing or shredding (such as may be employed at a construction and demolition debris-processing facility).

[Added 6-5-1990]

COLLECTION VEHICLE

A vehicle designed, built and used for the purpose of collecting solid waste.

COMMISSIONER OF ENVIRONMENTAL RESOURCES

The Commissioner of Environmental Resources or his duly authorized designee.

[Added 7-26-2005 by L.L. No. 5-2005]

COMMISSIONER OF PUBLIC WORKS

The Commissioner of Public Works or his duly authorized designee.

GARBAGE

Wastes from the preparation, cooking and serving of food, and market wastes from the handling, storage and sale of produce.

HAZARDOUS WASTE

A. A waste which appears on a list or satisfies the criteria promulgated under § 27-0903 of the New York State Environmental Conservation Law and/or § 1004 of the Federal Resource Conservation and Recovery Act of 1976, as amended, which shall include but not be limited to a solid waste or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed or otherwise managed.

B. The final determination of whether or not a waste is hazardous shall be made by the Commissioner of Environmental Resources in accordance with the guidelines of the New York State Department of Environmental Conservation and/or the United States Environmental Protection Agency, which establish criteria for such determination.

[Amended 7-26-2005 by L.L. No. 5-2005]

HOLIDAY

The day on which the holiday is actually celebrated and shall include New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veterans' Day, and Christmas Day.

[Amended 7-26-2005 by L.L. No. 5-2005]

INDUSTRIAL WASTE (as defined in Title 6 of the official New York Code of Rules and Regulations, Part 360, Solid Waste Management Facilities)

Wastes in liquid, semisolid or solid from that result from industrial or commercial processes, including but not limited to factories, processing plants and repair and cleaning establishments, which wastes include but are not limited to sludges, oils, solvents, spent chemicals and acids. "Sludges" means any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility.

Sludge does not include the treated effluent from a wastewater treatment plant. A waste at the same time may be classified as an industrial waste and a hazardous waste for the purposes of this chapter.

LITTER

Solid waste which is thrown or deposited and which tends to create a danger to health, safety and welfare.

NEWSPAPER

A publication made of newsprint and sold or distributed at stated intervals and having as its primary purpose newsworthy items or advertisements or any other matters of public interest and shall not be construed to mean any magazine or periodical or other paper products of any nature whatsoever.

OPEN BODY REFUSE CONTAINER

Any vehicle or container attached to a vehicle which is capable of carrying solid waste which is open or normally capable of being open on one end or at the top, including but not limited to roll-off containers, dumpsters, dump trucks, flatbed trucks and pickup trucks.

OPERATE

The actual pickup, loading or collection of solid waste.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the town, owned or used by the Town and devoted to active or passive recreation.

PARKING LOT (for the purposes of Article V of this Part 1)

Any privately owned parking facility with spaces for more than 10 vehicles and which services a retail establishment in the Town of Oyster Bay, including but not limited to shopping centers, department stores, shops, stores and fast-food restaurants.

PERSON

Extends and is applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

POTENTIALLY INFECTIOUS WASTE

The waste products, normally originating from medical offices, medical laboratories, musing homes, surgical centers and hospitals, which consist of human or animal body parts, tissues or blood or materials coming in contact with said body parts and tissues or blood from persons or animals that are diseased or infected or could reasonably be presumed to be diseased or infected. For the purpose of this definition, the presence of any waste deposited in red bags or deposited in orange bags marked "biohazardous" or the like or marked "autoclaving bag" or the like shall be considered a potentially infectious waste. The final determination as to whether a waste is potentially infectious shall be made by the Commissioner of Environmental Resources in accordance with this chapter and any other guidelines that may be provided by the New York State Department of Environmental Conservation, the New York State Department of Health and/or the Nassau County Health Department.

[Amended 12-19-1989; 7-26-2005 by L.L. No. 5-2005]

PRIVATE PROPERTY (for the purposes of Article II)

Any property other than that used as a public highway. For the purposes of Article VI, "private property" shall mean any dwelling, house, building or other structure designed or used either wholly or in part for residential, business or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any property, yard, grounds, walk, driveway, parking areas, porch, steps, vestibule or mailbox belonging or appurtenant to any such

dwelling, house, building or other structure, designed or used either wholly or in part for residential business or industrial purposes.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

RECYCLABLE MATERIALS

Includes the following items: newspapers; magazines; office paper; advertising ("junk") mail; corrugated cardboard; food and beverage containers made of brown glass, green glass or clear glass; food and beverage containers made of aluminum, steel, tin or any combination thereof except that aerosol containers shall not be considered recyclable materials; white goods; as well as rigid plastic household containers composed of polyethylene terephthalate (PET or PETE) (#1 plastic) and high-density polyethylene (HDPE) (#2 plastic). The Commissioner of Public Works shall be authorized to add or delete items from this list in the event that he determines the economic market conditions warrant such action.

[Amended 12-19-1989; 10-23-1990; 10-13-1992; 7-26-2005 by L.L. No. 5-2005]

RECYCLING PARTICIPANTS

The owners or occupants of homes, of apartment complexes, of condominiums, of businesses, of organizations, of corporations, of associations or of industries or any other person or entity within the Town of Oyster Bay Solid Waste Disposal District.

[Amended 12-19-1989; 10-23-1990; 7-26-2005 by L.L. No. 5-2005]

RESIDENTIAL AREA

That area primarily zoned and occupied for residential purposes.

RESIDENTS

Consists of all persons who generate solid waste.

RUBBISH

Consists of any solid waste other than garbage, recyclable materials and bulky items as defined in this Part 1.

SOLID WASTE

Consists of all materials defined in this Part 1 as bulky items, garbage, recyclable materials and rubbish.

TOWN

Only the unincorporated area of the Town of Oyster Bay serviced by the Division of Sanitary Collection for the purpose of Article II of this Part 1. For all other purposes, "town" shall mean the entire Town of Oyster Bay, including its incorporated and unincorporated areas.

TOWN OF OYSTER BAY SOLID WASTE DISPOSAL DISTRICT

Consists of the entire incorporated and unincorporated areas of the Town of Oyster Bay, excluding the Villages of Bayville, Brookville, Centre Island, Cove Neck, Lattingtown, Laurel Hollow, Matinecock, Mill Neck, Muttontown, Old Brookville, Old Westbury, Oyster Bay Cove, Roslyn Harbor, Sea Cliff and Upper Brookville, plus the Glenwood-Glen Head Garbage District.

[Amended 7-21-1987; 7-26-2005 by L.L. No. 5-2005]

TRANSFER STATION

Any public or private facility, whether or not run for profit, to which solid waste is brought and subsequently sorted, stored, reloaded or otherwise processed before being transported for disposal at another location.

VEHICLE (for the purpose of Article VI)

Every device in, upon or by which any person or property is or may be transported or drawn upon.

YARD WASTE

Consists of grass clippings, leaves, twigs, branches, stumps, roots, tree trimmings, hedge and shrub clippings, weeds, and other garden waste.

[Added 7-26-2005 by L.L. No. 5-2005]

Article II. Collection and Container Provisions

§ 201-2. Garbage.

[Amended 7-21-1987]

A. Frequency of collection.

(1) Garbage will be collected from residential areas and from business areas on regularly scheduled days designated by resolution of the Town Board, during the hours designated by the Commissioner of Public Works.

(2) There shall be no collections of any type on Sundays and on such other holidays as may be designated by resolution of the Town Board.

B. Limitation on the number of containers. There is no limitation to the number of containers of garbage that may be placed for collection in residential and business areas.

C. Capacity, weight and type of containers to be used.

(1) Containers used for the disposal of garbage shall have a capacity not exceeding 32 gallons.

(2) No container shall weigh more than 50 pounds when filled.

(3) Garbage which cannot be readily placed in containers must be securely enclosed in plastic bags or other weatherproof and durable receptacles not weighing greater than 50 pounds each nor exceeding 18 cubic feet in capacity.

(4) In no event shall the total maximum weight placed out for collection on any given collection day exceed 200 pounds.

§ 201-3. Rubbish.

[Amended 7-21-1987]

A. Frequency of collection.

(1) Rubbish will be collected from residential areas and business areas on regularly scheduled days designated by resolution of the Town Board, during the hours designated by the Commissioner of Public Works.

(2) There shall be no collections of any type on Sundays and such other holidays as may be designated by resolution of the Town Board.

B. Limitation on the number of containers. No more than 10 containers of rubbish may be placed out for collection by any property owner or occupant in a residential or business area on any given collection day.

C. Capacity, weight and type of containers to be used.

(1) Containers used for the disposal of rubbish shall have a capacity not exceeding 32 gallons.

(2) No container or bundle shall weigh more than 50 pounds when filled or placed out for collection.

(3) Rubbish which cannot be readily placed in containers must be securely enclosed in plastic bags or other weatherproof and durable receptacles not weighing more than 50 pounds nor exceeding 18 cubic feet in capacity.

(4) In no event shall the total maximum weight of rubbish placed out for collection on any given collection day exceed 200 pounds.

D. Restriction on size. No article of rubbish such as lumber, branches or tree trimmings, exclusive of Christmas trees, shall exceed four feet in length.

§ 201-4. Bulky items.

[Amended 7-21-1987]

A. Frequency of collection.

(1) Bulky items will be collected from residential areas and from business areas on regularly scheduled days designated by resolution of the Town Board, during the hours designated by the Commissioner of Public Works. No appointment shall be necessary for such collection.

(2) There shall be no collections of any type on Sundays and such other holidays as may be designated by resolution of the Town Board.

B. Limitation on number of items. No more than three bulky items may be placed out for collection on any regularly scheduled collection day.

§ 201-5. Duties of owner or occupant.

A. It shall be the duty of every person having the management or control of or occupying any land or building to purchase and furnish a sufficient number of garbage and rubbish receptacles, meeting the requirements of this article, for the exclusive use of the land or buildings.

[Amended 1-13-1987]

B. It shall be the duty of the occupants of all land and buildings located in residential and business areas within the Town to place any and all containers or bundles of solid waste in a readily accessible location at the curb in front of the premises occupied by them for collection of such materials by the town.

[Amended 7-21-1987]

§ 201-6. Provision of containers by Town.

[Amended 1-13-1987; 12-19-1989; 7-26-2005 by L.L. No. 5-2005]

The Town will provide containers to residents or designated recyclable areas for the purpose of separating and placing recyclable materials for collection. Such containers will remain the property of the Town and must be kept in a good and clean condition by such residents. Recycling containers are not to be used for any purpose other than as described in this section. In the event that such containers are lost, damaged or stolen, additional containers shall be available from the Town.

§ 201-7. Underground receptacles.

It shall be unlawful for any person to maintain underground receptacles for the deposit of garbage or other refuse.

§ 201-8. Placement of containers.

[Amended 1-13-1987]

No solid waste container shall be placed for collection before 5:00 p.m. on the day prior to the scheduled collection date and such containers must be removed from the curblines by 8:00 p.m. on the scheduled collection date.

§ 201-9. Ownership of materials; unauthorized pickups.

[Amended 1-13-1987]

From the time of placement of solid waste at the curblines by a resident in accordance with the provisions of Article II or VI of this Part 1, such solid waste shall be deemed the property of the Town or its duly authorized agent. It shall be a violation of this Part 1 for any person without authority of the Town to collect, pick up,

remove or cause to be removed or in any manner interfere with or disturb any solid waste or portions thereof from one or more premises.

§ 201-10. Garbage and rubbish to be in separate containers.

[Amended 1-13-1987]

Garbage and rubbish must be placed and maintained in separate containers. Furthermore, in all designated recycling areas, recyclable materials shall be placed in separate containers in accordance with the provisions of Article VI of this Part 1.

§ 201-11. Container specifications.

[Amended 10-12-1971; 1-13-1987]

All garbage and rubbish shall be placed in either reusable or single use type containers which shall be of a type approved by the Commissioner of Public Works and which shall be kept covered or enclosed at all times. Grease and oil drums are specifically prohibited. The reusable type container shall be equipped with handles and tight fitting covers and shall be watertight and shall be kept in a clean, neat and sanitary condition at all times. The design and construction of and the materials used for the single use type containers and the method of the storage thereof shall be in accordance with specifications and rules and regulations therefor which shall be established by the Commissioner of Public Works.

§ 201-12. Preparation of certain materials for collection.

[Amended 1-13-1987; 7-21-1987]

A. All trees, stumps, trunks, branches, roots and other vegetation shall be cut to widths and lengths not exceeding four feet and bundled for collection as rubbish. Excess dirt shall be removed from tree stumps prior to placement at the curb for collection.

B. All carpeting, rugs and padding shall be rolled and tied in lengths not to exceed four feet and shall be placed for collection as rubbish.

C. Hypodermic syringes must be noninfectious, and all parts must be deposited in a metal or other similarly rigid container so as to prevent the parts from falling out.

[Amended 12-19-1989]

D. Fecal matter of domestic animals shall be placed in a sealed waterproof container before it is placed out for collection.

E. Refrigerators and freezers are to have their door removed prior to placement at the curb. *Editor's Note: Former Subsection F, regarding television sets, which immediately followed this subsection, was repealed 7-26-2005 by L.L. No. 5-2005.*

§ 201-13. Prohibited materials.

[Amended 3-9-1976; 1-13-1987; 7-21-1987]

It shall be a violation of this section for any person to place any of the following materials at the curb for collections:

A. Hazardous waste.

B. Industrial waste.

C. Potentially infectious waste.

[Amended 3-12-1991 by L.L. No. 1-1991]

D. Biological waste.

E. Ash residue from the incineration of potentially infectious or biological waste.

[Amended 3-12-1991 by L.L. No. 1-1991]

F. Radioactive materials.

G. Any liquids.

H. Motor vehicles or motor vehicle parts.

I. Combustible materials.

J. Flammable materials.

K. Pressurized gas cylinders or tanks.

L. Explosives or ammunition.

M. Any residue, including soot, from the cleaning of oil, kerosene, coal or any other fuel-burning appliance, furnace, burner, boiler, fireplace or stove or from the chimney, stovepipe or flue of such device.

N. Any other material which the Commissioner of Public Works shall determine does or potentially could jeopardize the safety of Town employees or the public.

§ 201-14. Appeals for modifications.

Any person aggrieved by a regulation promulgated pursuant to this article or fee charged pursuant to this article shall have the right of appeal to the Town Board, which shall have the authority to confirm, modify or revoke any regulation or fee.

§ 201-15. Enforcement.

[Amended 8-13-1974; 7-26-2005 by L.L. No. 5-2005]

The inspectors of the Division of Sanitation and Recycling Collection and such other persons as may be designated by the Commissioner of Public Works shall be empowered to enforce the prohibitions and regulations under all sections of this article.

§ 201-16. Penalties for offenses.

[Amended 2-8-1977]

In addition to any other remedy for an offense against this article, any person committing an offense against this article or any provision or section thereof shall be guilty of a violation punishable by a fine not to exceed \$500 or imprisonment not to exceed 15 days for each such offense, or by both such fine and imprisonment.

§ 201-17. Roll-off containers.

[Added 1-28-1986; amended 12-19-1989]

Charitable, fraternal, religious and similar not-for-profit organization, which maintain established meeting places within the Town of Oyster Bay and which have requested the use of Town roll-off containers in connection with a profit-making or fundraising event, shall be charged \$250 for each container load dumped.

Article IIA. Water Injection Ports

[Added 4-24-1990]

§ 201-17.1. Access to refuse containers, trash compactors and dumpsters.

No person shall place or cause to be placed any refuse container, trash compactor, receptacle or dumpster (hereafter "container") which is enclosed in such a way as to impede free access to its contents by fire fighters for the purpose of extinguishing a fire within such container, except as may hereafter be provided.

§ 201-17.2. Requirements.

A person placing or causing to be placed a refuse container shall be responsible for meeting the following requirements:

A. Any container having a capacity equal to or in excess of 10 cubic yards which is enclosed in such a way as to impede free access to its contents by fire fighters shall have permanently affixed and mounted thereon two two-and-one-half-inch female hose couplings welded to the side of the container and to include matching female firematic plug connections with New York Corporation threads 3,000 by 8 per inch (hereafter "water injection ports") to provide an injection port or entry port for water by fire fighters for the purpose of extinguishing a fire within such container.

B. Water injection ports may be installed by the manufacturer of the refuse container or shall be fabricated by the person placing or causing such container to be placed. Water injection ports shall be installed therein in a workmanlike manner, as follows:

(1) One at the loading end on the side of the container, not more than nor less than two feet from the top of the container and not more than two feet nor less than 3 1/2 feet from the end of the container.

(2) One at the packed end of the side of the container, not more than nor less than two feet from the bottom of the container and not more than two feet nor less than 3 1/2 feet from the end of the container.

C. Each such water injection port shall be clearly marked with a fluorescent color of either yellow or orange. It shall be the duty of each person placing or causing to be placed any container subject to this section to maintain and ensure the continued visibility of each water injection port.

§ 201-17.3. Penalties for offenses.

Any person violating any of the provisions of this article shall be deemed guilty of an offense against this article and, upon conviction thereof, shall be fined in an amount not exceeding \$1,000 or be imprisoned for not more than 15 days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article III. Private Collection; Permits; Vehicles

§ 201-18. Permit required.

[Amended 4-30-1985; 1-13-1987; 7-26-2005 by L.L. No. 5-2005]

No person who is in the business of collecting, transporting and/or disposing of solid waste shall remove any solid waste from the premises of any person or cart or transport the same through or upon any street, avenue, parkway or highway within the Town unless he shall have obtained a permit from the Town Clerk as well as a permit, if required, pursuant to the provisions of the Public Health Ordinance of the Nassau County Department of Health. Every permittee shall have agreed to conform to any rules and regulations established by the Commissioner of Environmental Resources and to provide additional information pertaining to the collection, transportation and/or disposal of solid waste within the Town as the Commissioner of Environmental Resources or the Town Clerk may reasonably require.

§ 201-19. Types of permits.

[Amended 4-30-1985; 1-13-1987; 7-26-2005 by L.L. No. 5-2005]

Such permits shall be classified "Type I" permits, "Type II" permits and "Type III" permits, depending upon the type of business engaged in by the applicant. The final determination as to whether an applicant qualifies for a Type I, Type II or Type III permit shall be made by the Town Clerk in consultation with the Commissioner of Environmental Resources.

A. Type I permits. Applicants whose sole or primary business involves the collection, transportation and/or disposal of solid waste generated by others will require a Type I permit. Such businesses include but are not limited to private carting companies, companies and businesses that provide roll-off and/or dumpster service.

B. Type II permits. Applicants who are engaged in the collection, transportation and/or disposal of solid waste only as an accessory to their business qualify for a Type II permit. Such businesses include but are not limited to landscaping businesses, home improvement companies and private businesses and individuals who collect, transport and/or dispose of self-generated solid waste.

C. Type III permits:

(1) Any municipality other than the Town of Oyster Bay that collects, transports and/or disposes of solid waste in municipally owned or leased and operated vehicles shall qualify for a Type III permit. For the purpose of this section "municipality" shall include the federal or state government or agency thereof, any municipal corporation, school district, district corporation or improvement district whose jurisdiction lies within the confines of the Town of Oyster Bay.

(2) Charitable, fraternal and religious organizations which maintain established meeting places within the incorporated or unincorporated areas of the Town of Oyster Bay shall also qualify for a Type III permit.

§ 201-20. Application procedure.

[Amended 4-30-1985; 1-13-1987]

Every applicant shall file a written verified application with the Town Clerk on forms provided for that purpose verifying the following information. Unless otherwise specified, all provisions of § 201-21 apply to applications for Type I, Type II and Type III permits.

§ 201-21. Contents of application.

[Amended 4-30-1985; 1-13-1987]

Application form to provide:

A. The name and address of the applicant specifying in the case of any unincorporated association, the names and addresses of each member thereof, and, in the case of any corporation, the names and addresses of each officer and director thereof.

B. If the applicant conducts business under a trade name or if the applicant is a partnership, the application for a permit must be accompanied by a copy of the trade name or partnership certificate duly certified by the Clerk of the county in whose office the certificate is filed.

C. The age and citizenship of the applicant and each member thereof, if an unincorporated association, and each director and officer thereof, if a corporation.

D. The experience of the applicant and each member thereof, if an unincorporated association, and each director and officer thereof, if a corporation, in the business of collection, transportation and/or disposal of solid waste material. This requirement shall only apply to applications for a Type I permit.

E. The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity or tare weight and color of vehicle and the current New York State registration number.

F. The approximate volume and tonnage each vehicle will handle per day.

G. The location of any and all terminals proposed to be used by the applicant for the storage of permitted vehicles.

H. The applicant's proposed daily route for each area to be serviced in the town. Such route description is to include a listing of all incorporated and unincorporated areas to be serviced within the town, together with a description of the street boundaries for each area to be serviced. Within 30 days of occurrence, any changes in the daily route shall be reported, in writing, to the Town Clerk. This requirement will only apply to applications for a Type I permit.

I. The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.

J. The hours and days each vehicle will operate within the Town.

K. A statement as to whether the applicant or a member thereof, if an unincorporated association or, if a corporation, any director, officer or stockholder thereof, has a record of a prior conviction or convictions for a crime other than a traffic offense, and if so an explanation of the nature of such conviction or convictions.

L. A complete list of the names and addresses of all employees of the applicant as of the date of application. This requirement will only apply to applications for a Type I permit.

M. A notarized statement as to whether the applicant has engaged in any recycling activities within the twelve-month period preceding February 1 of the year of application and if so a description of the materials recycled and the amounts of each type of material recycled.

N. An affirmation of knowledge of the requirement that all recycling participants must source-separate recyclable materials within the Town Solid Waste Disposal District.

[Added 7-26-2005 by L.L. No. 5-2005]

O. Any other relevant information the Town Clerk may require.

[Added 7-26-2005 by L.L. No. 5-2005]

§ 201-22. Additional requirements.

[Amended 4-30-1985; 1-13-1987]

A. Change of ownership. In the event of any change of ownership of a corporate permittee, the permittee of record must notify the Town Clerk in writing of such change within three days after such change occurs.

B. Insurance. Before a permit may be issued by the Town Clerk, each applicant shall file with the Town Clerk proof of the following insurance coverage consisting of a certificate of the insurance carrier:

(1) Worker's compensation insurance.

(2) Public liability insurance with minimum limits of \$250,000 for each person injured and \$500,000 for each accident.

(3) Property damage insurance in the sum of \$100,000 for all accidents, subject to a limit of \$50,000 for any one accident.

C. Subsection B(2) and (3) shall only apply to Type I permits.

§ 201-23. Deposits and bonds.

[Amended 4-30-1985; 1-28-1986; 1-13-1987]

A. Before a permit may be issued by the Town Clerk, each applicant shall place a cash deposit or bond in an amount equal to 200% of the highest monthly charge for use of the Town solid waste disposal complex by the applicant during the previous 12 months, but if the applicant has not used the Town solid waste disposal complex during the past 12 months, the cash deposit or bond shall be in the amount of 200% of the estimated monthly charges to be incurred by the applicant during the current year. Notwithstanding the foregoing, the minimum cash deposit or bond shall be in the amount of \$3,000 for a Type I permit and \$250 for a Type II

permit. No deposit will be required from applicants for Type III permits; applicants for Type I cesspool cleaning and removal permits; and veterinarians who apply for Type II permits.

[Amended 3-12-1991 by L.L. No. 1-1991]

B. In the event that a permittee fails to make payment for all Town disposal charges within 10 days after such charges are billed, the Town Comptroller may deduct the amount of such charges from the cash deposit to be applied against all amounts then due and owing for use of Town disposal facilities.

C. At no time shall any accumulated Town disposal charges exceed the cash deposit or bond maintained by the permittee. If such condition occurs, credit privileges shall be suspended until the Town is paid and/or an additional cash deposit or bond as specified by the Comptroller is provided by the permittee.

D. The cash deposit or bond shall at all times be maintained by each permittee in the amount hereinbefore specified; and upon the failure of any permittee to maintain said deposit after three days' notice and demand therefor, the Town Clerk may forthwith suspend the permit of any such permittee. In addition, for any violation of this section, such permittee shall be subject to suspension or revocation of his permit and all other penalties provided herein.

§ 201-24. Recordkeeping.

[Amended 4-30-1985; 1-13-1987]

A. Every permittee shall keep complete and accurate books of account with respect to the operation of his business in which shall be entered and shall show, among other things, all income derived or received from each of his customers and/or other sources, together with details of all expense and disbursements made or incurred in the operation of his business. Such books of account shall be kept current on a monthly or quarterly basis and brought up to date not later than 30 days after the expiration of such period. All such records shall be retained by the permittee for at least three years.

B. Every permittee shall keep and maintain records regarding the amounts of collection, processing, and disposal of recyclable materials (by weight) collected from customers and other sources. Such records shall be kept current on an annual basis and shall be brought up to date not later than February 1 of each year. All such records shall be retained by the permittee for at least three years and may be subject to inspection by the Commissioner of Environmental Resources or his designee.

[Added 7-26-2005 by L.L. No. 5-2005]

§ 201-25. Inspections.

[Amended 4-30-1985; 1-13-1987]

The Town shall have the right to inspect books of account and records maintained by the permittee.

§ 201-26. Additional information.

[Amended 4-30-1985; 1-13-1987; 12-19-1989; 7-26-2005 by L.L. No. 5-2005]

Every person holding a waste removal permit on or after the effective date of this section is subject to any and all laws, ordinances, rules and regulations which govern the operations of the permittee, including but not limited to providing such additional information pertaining to solid waste collection, transportation and disposal practices and operations from time to time as the Town Clerk or Commissioner of Environmental Resources may reasonably require. A written verified statement verifying such information shall be filed with the Town Clerk within 30 days after a notice requesting such information has been mailed to the permittee at his last known address.

§ 201-27. Duty to collect, transport and deliver recyclables.

[Added 12-19-1989 *Editor's Note: This ordinance repealed former § 201-27, Existing permits, as amended.* ; amended 7-26-2005 by L.L. No. 5-2005]

Every permittee, as a condition of the issuance and maintenance of a waste removal permit, shall have agreed to collect, transport and deliver source-separated recyclable materials generated by any of his customers who have been designated as recycling participants. Such recyclable materials shall be delivered in accordance with the terms and conditions established by the Commissioner of Environmental Resources.

§ 201-28. Permits for cesspools.

[Amended 4-30-1985; 7-26-2005 by L.L. No. 5-2005]

No person shall clean any cesspool or remove the contents thereof or cart or transport the same upon or through any street, avenue, parkway or highway in the Town unless he shall have first obtained a Type I permit from the Town Clerk and shall have agreed to conform to the rules and regulations established by the Commissioner of Environmental Resources in regard to such removal.

§ 201-29. Issuance; decals; fees.

[Amended 3-9-1976; 4-30-1985; 1-28-1986]

A. Permits required by this article shall be issued by the Town Clerk following the review and approval of permit applications and upon payment by the applicant thereof of a fee in accordance with the fee schedule set forth below. With each permit issued, the Town Clerk shall issue a set of decals or tags or other form of identification approved by the Town Clerk which shall be permanently fastened and displayed at all times in a conspicuous manner on the right and left doors of each truck, wagon or conveyance.

(1) Fee for Type I permits: The fee for a Type I permit shall be \$350 for each truck, wagon or conveyance used by the applicant in the removal, transportation or disposal of solid waste.

[Amended 12-11-1990]

(2) Fee for Type II permits: The fee for Type II permit shall be \$100 for each truck, wagon or conveyance used by the applicant in the removal, transportation or disposal of solid waste.

(3) Fee for Type III permits: No permit fee shall be required of applicants who qualify for Type III permits.

B. Upon the filing of an affidavit and such other proof as may be required by the Town Clerk, a substitute permit and decals or tags or replacement of a lost permit and decals or tags may be issued upon the payment of a fee of \$10; and a replacement permit card not requiring the issuance of decals or tags may be issued upon the payment of a fee of \$2.

C. Each permit issued pursuant to this article shall be issued as of the date of the granting thereof and shall expire on the first day of February next succeeding such date, unless sooner suspended or revoked. The Commissioner of Public Works may extend said compliance date where he believes circumstances so warrant for a period not to exceed two weeks.

D. Materials from those persons in the business of removing, carting and/or transporting solid waste will be received and accepted at the Town solid waste disposal complex only when delivered in a vehicle properly displaying the decals or tags issued pursuant to this section.

E. (Reserved) *Editor's Note: Former Subsection E, regarding veterinarians issued Type II permits, was repealed 12-19-1989.*

F. Any open or closed body container used for transporting solid waste from a facility that generates or may generate potentially infectious waste or biological waste shall have affixed to its side the name of the facility generating the waste container in that container. Such name shall contain letters at least two inches in height and shall be affixed halfway between the bottom and top of such container and along the end of the container that is closest to the cab of the vehicle transporting it. For the purpose of this section, facilities that generate

potentially infectious waste shall include but not be limited to medical offices, medical laboratories, nursing homes, surgical centers and hospitals.

[Amended 1-13-1987; 3-12-1991 by L.L. No. 1-1991]

§ 201-30. General provisions for permits.

The procedure for the issuance, suspension and revocation of a Town permit required by this article shall be as prescribed in Chapter [147](#).

§ 201-31. Vehicle provisions.

[Amended 4-30-1985; 7-26-2005 by L.L. No. 5-2005]

No person shall remove any solid waste, recyclable materials or yard waste of any kind from the premises of any person or cart or transport the same through or upon any street, avenue, parkway or highway within the Town except in trucks or wagons securely covered with tarpaulins and having watertight bodies or covered containers.

§ 201-32. Disposal of waste.

[Amended 9-26-1972; 4-30-1985]

[A.](#) It shall be unlawful for any person to leave, deposit or dump any solid waste anywhere in the Town except at the Town solid waste disposal complex.

[B.](#) It shall be unlawful for any person to leave, deposit or dump the contents of any cesspool, septic tank or other sewage facility anywhere in the Town.

§ 201-33. Maintenance of vehicles; seizure of evidence.

[A.](#) Each vehicle shall be maintained, operated and used at all times only in full compliance with all applicable provisions of law, federal and state, as well as local, and with all applicable rules and regulations and orders of all authorities, federal, state, county and town, having jurisdiction in the premises.

[B.](#) Upon a vehicle's entry into the Town solid waste disposal complex, the owner and operator of that vehicle shall be deemed to consent to the searches and seizures as hereinafter provided.

[Added 4-30-1985; amended 1-28-1986]

[\(1\)](#) Any vehicle which enters the Town solid waste disposal complex may be searched and its contents examined by Town employees to determine compliance with the prohibitions against hazardous substances and the prohibition against solid waste generated or collected outside the Town of Oyster Bay as hereinafter provided for in [§ 201-37B](#).

[\(2\)](#) Any police officer or peace officer shall have the power to seize without a warrant, for conservation, health, safety or evidentiary purposes, any item he has cause to believe is a hazardous substance or has cause to believe is solid waste generated or collected outside the Town of Oyster Bay which has been or is being possessed or disposed of in violation of [§ 201-37B](#) of the Code of Ordinances of the Town of Oyster Bay. An item seized under this subsection shall be disposed of as deemed appropriate by the Commissioner. Any costs and expenses incurred by the Town in the storage and disposal of any item seized under this subsection may be assessed against the permit holder of the vehicle from which such item was seized.

[\(3\)](#) Any police officer or peace officer shall have the power to seize without a warrant, for conservation, health, safety or evidentiary purposes, any vehicle he has probable cause to believe has been or is being knowingly used in violation of [§ 201-37B](#) of the Code of Ordinances of the Town of Oyster Bay. A seized vehicle shall be forfeited as hereinafter provided.

(4) The seized vehicle shall be delivered by the police officer or peace officer having made the seizure to the custody of the Town Attorney, together with a report of all the facts and circumstances of the seizure, as soon as practical under the circumstances.

(5) It shall be the duty of the Town Attorney to inquire into the facts of the seizure so reported to him and, if it appears probable that a forfeiture has been incurred by reason of a violation of § [201-37B](#) of the Code of Ordinances of the Town of Oyster Bay, to cause the proper proceedings to declare such forfeiture to be commenced and prosecuted in a court of proper jurisdiction at any time after 30 days from the date of seizure, unless, upon inquiry and examination, the Town Attorney decides that such proceedings cannot probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case, the Town Attorney shall cause such seized property to be returned to the owner thereof. The Town Attorney shall make his determination whether or not it appears probable that a forfeiture has been incurred within one business day after the delivery of the vehicle to his custody.

(6) Notice of the institution of the forfeiture proceeding shall be served either personally on the owner of the seized vehicle or by registered or certified mail to the owner's last known address and by publication of the notice once a week for two successive weeks in a newspaper of general circulation in the Town of Oyster Bay.

(7) Forfeiture shall not be adjudged where the owner establishes by a preponderance of the evidence that the use of such seized vehicle in violation of § [201-37B](#) of the Code of Ordinances of the Town of Oyster Bay was not intentional on the part of the owner or that said seized vehicle was used in violation of § [201-37B](#) of the Code of Ordinances of the Town of Oyster Bay by any person other than an owner thereof while such seized vehicle was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or of any state.

(8) The Town Attorney having custody of the seized vehicle and after such judicial determination of forfeiture, shall either retain such seized property for the official use of the Town of Oyster Bay or, by a public notice of at least five days, sell such forfeited property at public sale. The net proceeds of any such sale, after deduction of the lawful expenses and costs incurred by the town, shall be paid into the general fund of the Town of Oyster Bay.

(9) Whenever any person having an interest in any property which is seized and declared forfeited under the provisions of this section files with a Justice of the Supreme Court a petition for the recovery of such forfeited property, the Justice of the Supreme Court may restore said forfeited property upon such terms and conditions as he deems reasonable and just, if the petitioner establishes either of the affirmative defenses set forth in Subsection [B\(7\)](#) and that the petitioner was without personal or actual knowledge of the forfeiture proceeding. If the petition is filed after the sale of the forfeited property, any judgment in favor to the petitioner shall be limited to the net proceeds of such sale after deduction of the lawful expenses and costs incurred by the Town.

(10) No suit or action under this section for wrongful seizure shall be instituted unless such suit or action is commenced within two years after the time when the property was seized.

(11) If any term, part, provision, section, subdivision or paragraph of this section shall be held unconstitutional or ineffective, in whole or in part, then, to the extent that it is not unconstitutional or ineffective, this section and such term, part, provision, section, subdivision or paragraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions or paragraphs thereof.

§ 201-34. Suspension or revocation of permit.

The Town Board reserves the right to suspend or revoke any permit issued pursuant to this article. The permit issued may be suspended by the Town Board for a violation of any part of the provisions of this article after service of a notice in writing by registered or certified mail upon the holder of the permit, requiring the

permittee, his agents, servants or employees to appear before the Town Board and show cause why the permit should not be revoked.

§ 201-35. Penalties for offenses.

[Amended 9-26-1972; 2-8-1977]

A. In addition to subjecting a permit issued pursuant to this article, to suspension or revocation, a violation of this article, except a violation of § [201-32](#), shall be deemed an offense and shall be punishable by a fine not exceeding \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment.

B. In addition to subjecting a permit issued pursuant to this article, to suspension or revocation, any person violating § [201-32](#) shall be deemed guilty of an offense against said section and upon conviction thereof shall be fined in an amount not exceeding \$750 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article IV. Public Disposal Facilities

§ 201-36. Persons entitled to use.

[Amended 3-25-1975; 3-4-1976; 4-30-1985; 6-3-1986; 1-13-1987]

Only residents of the Town of Oyster Bay Solid Waste Disposal District shall be entitled to bring or send solid waste which has been generated from within the Town of Oyster Bay Solid Waste Disposal District to the Town solid waste disposal complex.

§ 201-37. Regulations for disposal complex.

[Amended 3-25-1975; 3-4-1976; 4-30-1985; 6-3-1986; 1-13-1987]

A. For the purpose of this section and this Part 1, solid waste which was generated outside the Town of Oyster Bay Solid Waste Disposal District and which is subsequently sent or brought to a solid waste transfer station within the Town of Oyster Bay Solid Waste Disposal District, whether or not such transfer station is duly permitted by the State of New York, shall not be considered to be solid waste generated from within the Town of Oyster Bay Solid Waste Disposal District and as such is specifically prohibited from being brought or sent to the Town solid waste disposal complex.

[Amended 7-26-2005 by L.L. No. 5-2005]

B. Only persons in the business of collecting, transporting and/or disposing of solid waste and having secured the proper permits required by this Part 1 from the Town Clerk and having collected solid waste only from within the Town of Oyster Bay Solid Waste Disposal District shall be entitled to bring or send solid waste to the Town solid waste disposal complex.

C. The Town Board may, by resolution, authorize the State of New York, the County of Nassau and any agency or department thereof or any other governmental agency to bring or send solid waste which was generated from within the Town of Oyster Bay Solid Waste Disposal District to the Town solid waste disposal complex without consideration of fee or for such consideration of fee and upon such terms and conditions as shall be approved by said Board.

§ 201-38. Days and hours.

[Amended 9-25-1973; 3-19-1974; 3-9-1976; 1-13-1987; 7-26-2005 by L.L. No. 5-2005]

The Commissioner of Environmental Resources, subject to the approval of the Town Board, shall establish the days and hours of operation at the Town solid waste disposal complex and may from time to time change such days and hours of operation as is necessary for the orderly delivery and disposal of solid waste.

§ 201-39. Implications of load and dumper.

[Amended 4-30-1985]

Whenever a person engaged in the business of collecting, transporting and/or disposing of solid waste who has a permit issued pursuant to this Part 1 and any servant, agent, employee or representative thereof, offers a load of material for receipt and acceptance by the Town at its solid waste disposal complex, the permittee and the individual offering the load on his behalf shall be deemed by the offer to represent and warrant, for the purpose of inducing receipt and acceptance of the load of material by the Town in reliance thereon, that every part and portion and all the load complies in every particular with all applicable provisions of this Part 1. Such person shall also be deemed by such offer to represent that it is not practical to dump the load first, separate and apart from all other materials at the location, in order to determine that the load is not acceptable.

§ 201-40. Authorities of Town Board.

At any time and without notice or warning in advance, any and every disposal location under the charge and control of the Town may be closed down indefinitely or discontinued entirely or continued open and in operation only to receive materials collected by the town, whenever in the opinion of the Town Board any such action is in the town's interest and it shall take such action when it deems it appropriate in the town's interest.

§ 201-41. Permit decals required.

[Amended 4-30-1985]

Material will be received and accepted at the Town solid waste disposal complex only when delivered in a vehicle displaying permit decals or tags issued pursuant to this Part 1 and whose operator then has in his possession a waste removal permit issued for the particular vehicle pursuant to this Part 1.

§ 201-42. Fees.

[Amended 5-9-1972; 12-10-1974; 3-9-1976; 11-15-1977; 1-17-1978; 1-9-1979; 1-15-1980; 10-28-1980; 1-26-1982; 6-22-1982; 10-5-1982; 1-24-1984; 8-28-1984; 4-30-1985; 1-28-1986; 6-3-1986; 6-17-1986; 1-13-1987; 7-21-1987; 1-26-1988]

A. The charge for disposing of solid waste at the Town solid waste disposal complex shall be as established by resolution of the Town Board. *Editor's Note: Said fees are on file in the Town Clerk's office.*

[Amended 3-12-1991 by L.L. No. 1-1991]

B. The charge, if any, for disposal of recyclable materials shall be set by the Town Board by resolution, provided that such materials are separated from all other types of solid waste and delivered in accordance with the terms and conditions set forth by the Commissioner of Public Works.

[Amended 7-26-2005 by L.L. No. 5-2005]

C. Clean fill may be accepted at no charge from any person, regardless of the origin of such material and regardless of whether or not such person has been issued a valid waste disposal permit, when such materials are usable by the Town at the Town solid waste disposal complex.

[Amended 12-19-1989; 6-5-1990]

D. Residents who maintain a domicile within the Town of Oyster Bay Solid Waste Disposal District who bring rubbish or bulky items to the Town solid waste disposal complex for disposal from their homes during times designated for such disposal shall be entitled to dispose of up to one ton of rubbish or bulky items at no charge.

E. Type III permit holders, in addition to the fee set forth in Subsection A of this section, shall be charged an additional fee as established by resolution of the Town Board for disposal of solid waste at the Town solid waste disposal complex. *Editor's Note: Said fees are on file in the Town Clerk's office.*

[Amended 3-12-1991 by L.L. No. 1-1991]

F. There shall be no charge for solid waste delivered to the Town solid waste disposal complex by the Town Highway Department or by the Town Parks Department or by any agent of such Department.

[Amended 11-25-2008 by L.L. No. 12-2008]

G. Landscape material.

[Amended 3-12-1991 by L.L. No. 1-1991]

(1) Landscape material consisting of grass clippings, prunings, leaves, tree branches, trunks, stumps or roots by landscape contractors shall not be accepted for disposal until after an annual permit is purchased by such contractor for the sum as established by resolution of the Town Board. *Editor's Note: Said fees are on file in the Town Clerk's office.* Upon the filing of an affidavit and such proof as may be required by the Town Clerk, a substitute permit and/or decal or replacement of a lost permit and/or decal may be issued upon the payment of a fee as established by resolution of the Town Board.

(2) In addition to the permit fees established in Subsection G(1) of this section and notwithstanding any other provisions of this Part 1, the charge for disposing of landscape material described in Subsection G(1) of this section by landscape contractors shall be as established by resolution of the Town Board. The minimum fee for the disposal of such landscape material by landscape contractors shall be as established by resolution of the Town Board. *Editor's Note: Said fees are on file in the Town Clerk's office.*

H. Any charge set forth in this section may be changed at any time and from time to time by resolution of the Town Board whenever, in the opinion of the Town Board, such change is in the best interest of the Town.

I. Except as otherwise provided herein, the minimum fee for the disposal of solid waste at the Town solid waste disposal complex shall be the charge for disposal of one ton of solid waste as determined by Subsection A of this section. *Editor's Note: Former Subsection J, which immediately followed this subsection, regarding disposal of dead animals, was repealed 12-19-1989 and 4-29-2008 by L.L. No. 6-2008.*

§ 201-43. Prohibited materials.

[Amended 1-13-1987; 7-21-1987]

It shall be a violation of this section for any person to send, deliver, offer to dispose of, dispose of or in any way discharge or attempt to discharge any of the following materials at the Town solid waste disposal complex:

A. Hazardous waste.

B. Industrial waste.

C. Potentially infectious waste.

[Amended 3-12-1991 by L.L. No. 1-1991]

D. Biological waste.

E. Ash residue from the incineration of potentially infectious or biological waste.

[Amended 3-12-1991 by L.L. No. 1-1991]

F. Radioactive materials.

G. Any liquids.

H. Motor vehicles and motor vehicle parts.

I. Combustible materials.

J. Flammable materials.

K. Pressurized gas cylinders or tanks.

L. Explosives and ammunition.

M. Any residue, including soot, from the cleaning of oil, kerosene, coal or any other fuel-burning appliance, furnace, burner, boiler, fireplace or stove or from the chimney, stovepipe or flue of such device.

N. Any other material which the Commissioner of Public Works shall determine does or potentially could jeopardize the safety of Town employees or the public.

§ 201-43.1. Disposal of uncontaminated corrugated cardboard at Town disposal facility prohibited.

[Added 10-13-1992; amended 7-26-2005 by L.L. No. 5-2005]

It shall be a violation of this section for any person or entity solely or primarily engaged in the business of waste management and holding a Type I permit to collect, transport, deliver or otherwise dispose of uncontaminated corrugated cardboard at the disposal facility of the Town of Oyster Bay except for the purpose of recycling such material.

§ 201-44. Weights of vehicles.

[Added 1-28-1986]

It shall be unlawful for any person to deliver or cause to be delivered solid waste to the Town solid waste disposal complex in any vehicle or truck or trailer or combination of such vehicles of more than 120,000 pounds in gross weight, as such term is defined in § 117 of the New York State Vehicle and Traffic Law.

§ 201-45. Conditions for acceptance of hypodermic needles.

[Amended 4-30-1985; 7-21-1987; 12-19-1989]

Hypodermic syringes must be noninfectious, and all parts must be deposited in a metal or other similarly rigid container so as to prevent the parts from falling out.

§ 201-46. Scavenging.

[Added 3-9-1976; amended 1-15-1980]

No scavengers or salvaging activity by unauthorized personnel is permitted at any Town facility.

§ 201-47. Removal of unacceptable wastes.

[Amended 2-8-1977; 1-28-1986; 1-13-1987]

A. Any person who violates the provisions of § [201-43](#) of this article shall be responsible for the removal and proper disposal of any and all hazardous waste, industrial waste, potentially infectious waste or biological waste left by that person or his agent at the Town solid waste disposal complex or to make arrangements for such removal and proper disposal in a safe and prompt manner in accordance with all applicable laws, rules, regulations and ordinances regarding the transportation and disposal of such waste.

[Amended 3-12-1991 by L.L. No. 1-1991]

B. In the event that said hazardous waste, industrial waste, potentially infectious waste or biological waste is mixed with other nonhazardous, nonindustrial and nonpotentially infectious waste at the time it is sent, delivered, offered for disposal, disposed of or in any way discharged or attempted to be discharged at the Town solid waste disposal complex, the entire load shall be removed in accordance with the provisions of this section.

[Amended 3-12-1991 by L.L. No. 1-1991]

C. In the event that such person fails to remove or make arrangements for the removal of such materials within a reasonable period of time, the Commissioner of Public Works is hereby authorized to remove and dispose of such materials and all expenses incurred by the Town for such removal and disposal shall be the responsibility of the person or persons who sent, delivered, offered for disposal, disposed of or in any way discharged or attempted to discharge such materials.

§ 201-47.1. Offering of materials not constituting clean fill; representations.

[Added 6-5-1990]

A. Any person who delivers, causes to be delivered, disposes of, offers to dispose of or in any way discharges or attempts to discharge any materials at the Old Bethpage Solid Waste Disposal Complex which he represents to be clean fill at no charge pursuant to § 201-42C, which, in fact, contains any materials other than those defined as "clean fill" heretofore, shall be deemed to have committed an offense against this article and shall be subject to the penalties provided in § 201-50 herein.

B. In addition to the penalties provided in § 201-50 herein, any person who delivers or causes to be delivered any materials which the Town determines not to constitute clean fill shall be responsible for the immediate and lawful removal of the entire load. Such removal shall be at the person's expense.

C. In the event that such person fails to remove or make arrangements for the timely removal of such materials within a reasonable period of time, the Commissioner of Public Works is hereby authorized to remove and dispose of such materials, and all expenses incurred by the Town in such removal and disposal shall be the responsibility of the person or persons who sent, delivered, offered for disposal, disposed of or in any way discharged or attempted to discharge such material.

§ 201-48. Refusal to accept.

[Added 1-13-1987; amended 7-26-2005 by L.L. No. 5-2005]

The Commissioner of Environmental Resources is hereby authorized to refuse to accept any materials offered for disposal at the Town solid waste disposal complex if, in his discretion, such material or materials present unusual problems in the handling, processing, shipping or disposal of such material or materials.

§ 201-49. Proof of nontoxicity.

[Added 1-13-1987; amended 7-26-2005 by L.L. No. 5-2005]

Where a reasonable basis exists for the belief that a material disposed of or offered for disposal at the Town solid waste disposal complex contains or may contain a hazardous waste, the Commissioner of Environmental Resources is hereby authorized to require that the person who disposed of or offered to dispose of such material have such material tested for its toxicity content by an independent laboratory in accordance with testing procedures and protocols approved by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation. Such testing shall be at the sole expense of the person who disposed of or offered to dispose of such material.

§ 201-50. Penalties for offenses.

In addition to subjecting a permit issued pursuant to this Part 1 to a suspension or revocation, any person committing an offense against this article shall be guilty of a violation. Such an offense shall be punishable by a fine not exceeding \$1,000 or imprisonment for not more than 15 days, or both such fine and imprisonment.

Article V. Littering

§ 201-51. Throwing from vehicles.

No person, while a driver or passenger in a vehicle, shall throw, distribute or deposit litter upon any street, vehicle or other public place within the Town or upon private property.

§ 201-52. Truckloads causing litter.

No person shall drive or move any truck or other vehicle within the Town unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

§ 201-53. Penalties for offenses.

[Amended 2-8-1977]

In addition to any other remedy for an offense against this article, any person committing an offense against this article or any provision or section thereof shall be guilty of a violation punishable by a fine not to exceed \$750 or imprisonment for not more than 15 days, or both such fine and imprisonment.

§ 201-54. Littering in public places.

No person shall throw, deposit or distribute litter in or upon any street, sidewalk, vehicle or other public place within the Town except in public receptacles or in authorized private receptacles for collection.

§ 201-55. Placement in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 201-56. Sweeping into gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk adjacent to their premises free of litter.

§ 201-57. Duties of business merchants.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk adjacent to their business premises free of litter.

§ 201-58. Litter in parks.

No person shall throw, distribute or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be

carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

§ 201-59. Litter in watercourses.

No person shall throw or deposit litter into any fountain, pond, lake, stream, channel, bay or any other body of water in a park or elsewhere within the town.

§ 201-60. Litter on occupied private property.

No person shall throw, distribute or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 201-61. Premises to be maintained litter free.

The owner or person in control of any private property shall at all times maintain the premises free of litter; however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 201-62. Litter on vacant lots.

No person shall throw, distribute or deposit litter on any open or vacant private property within the Town, whether owned by such person or not.

§ 201-63. Receptacle requirements.

[Added 8-15-1978]

A. The owner of a parking lot with a capacity of less than 100 parking spaces and which serves any commercial establishment, other than a fast-food restaurant, shall install one authorized litter receptacle for every 40 feet of building frontage or fraction thereof.

B. The owner of a parking lot with a capacity of less than 100 parking spaces and which serves a fast-food restaurant shall install one authorized litter receptacle for every 10 parking spaces or fraction thereof.

C. The owner of a parking lot with a capacity of more than 100 parking spaces, in addition to complying with Subsection A herein, shall install one authorized litter receptacle for every 100 parking spaces or fraction thereof in addition to the first 100 parking spaces.

D. The requirements of Subsection C as outlined herein shall be waived upon the filing of an affidavit with the Town Clerk which affirms that the commercial establishment maintains and sweeps its parking lot once every 24 hours or has retained a contractor to do the same.

E. Authorized litter receptacles shall be evenly distributed throughout the paved area of a parking lot so as to be easily accessible to users of such parking lots. An authorized litter receptacle shall be affixed to an island, mall, pole or stanchion, located in the paved area of the parking lot or if such permanent fixtures do not exist, on a private walkway located adjacent to the parking lot.

§ 201-64. Installation and maintenance of receptacles.

[Added 8-15-1978]

A. An authorized litter receptacle required to be installed by this article shall be maintained in working order and shall be emptied within 24 hours after it is filled to capacity.

B. Authorized litter receptacles which are not made of metal shall be securely fastened wherever possible to an island, mall, pole or stanchion or otherwise weighted at the bottom so as to remain upright when empty.

C. It is not the intent of this article to require the installation of litter receptacles where safety to pedestrians or vehicles will be endangered as a result of the installation of such receptacles.

D. An authorized litter receptacle shall have a suitable covering to prevent litter from direct exposure to weather precipitation.

E. An authorized litter receptacle required to be installed by this article shall be emptied at least once in each week and shall not be permitted to overflow.

§ 201-65. Penalties for receptacle offenses.

[Added 8-15-1978; amended 9-11-1979]

A violation of any provision in §§ 201-63 and 201-64 shall constitute an offense. Each day that such violation exists shall constitute a separate offense. Such an offense shall be punishable by a fine in accordance with the following schedule:

A. Upon conviction for a first offense under §§ 201-63 and 201-64, a fine of not less than \$25, but not greater than \$100.

B. Upon conviction for a second offense under §§ 201-63 and 201-64, a fine of not less than \$100, but not greater than \$250.

C. Upon conviction for a third or subsequent offense under §§ 201-63 and 201-64, a fine of not less than \$500, but not greater than \$750.

Article VI. Recycling

[Added 9-25-1973]

§ 201-66. (Reserved)

Editor's Note: Former § 201-66, Newspaper recycling provisions, as amended, was repealed 12-19-1969.

§ 201-67. Acceptance of recyclable materials at Town facility.

[Added 12-19-1989 *Editor's Note: This ordinance repealed former § 201-67, Procedures and regulations; unincorporated areas.* ; amended 7-26-2005 by L.L. No. 5-2005]

It shall be a violation of this article for any person to deliver solid waste to the Town solid waste disposal facility where such solid waste has been generated by a recycling participant and has not been source-separated and prepared in accordance with § 201-71 of this article.

§ 201-68. Unlawful removal of recyclables; removal.

[Added 12-19-1989 *Editor's Note: This ordinance repealed former § 201-68, Private collection agencies.*]

From the time of placement of recyclables for collection in accordance with the provisions of this article, such recyclables shall be deemed the property of the Town or its duly authorized agent. It shall be a violation of this article for any person without authority of the Town to collect, pick up, remove or cause to be removed or in any manner interfere with or disturb any recyclables therefrom.

§ 201-69. (Reserved)

Editor's Note: Former § 201-69, Designation of recycling participants, added 12-19-1984, was repealed 7-26-2005 by L.L. No. 5-2005.

§ 201-70. Recyclable materials.

[Added 1-13-1987]

Materials considered to be recyclable materials shall include but not be limited to those defined in Article I, § 201-1, of this Part 1. The Commissioner of Public Works may, in his discretion, modify from time to time those materials subject to this section if market conditions so warrant. In the event that the Commissioner of Public Works does modify the materials subject to this section, he shall cause reasonable notice of such action to be given to all persons affected thereby.

§ 201-71. Preparation of recyclables.

[Added 1-13-1987; amended 7-21-1987; 7-26-2005 by L.L. No. 5-2005]

A. It shall be the responsibility of each recycling participant to ensure that all recyclable materials are properly separated from other discarded materials and are cleaned or otherwise prepared for collection in accordance with this article.

B. All recyclable glass, metal, and plastic containers shall be placed in one or more recycling containers provided for that purpose by the Town. In the event that the amount or size of the recyclable materials exceeds the capacity of the designated containers, the excess recyclable materials shall be placed in separate weatherproof containers and placed alongside the designated containers when placed at the curb for collection.

C. Each recycling participant shall be entitled to one additional recycling container at no charge from the Town upon a showing of need. Additional requests may be granted at the discretion of the Commissioner of Public Works, who shall levy a fee covering the cost of such containers. This fee may be waived by the Commissioner of Public Works upon a showing of good cause. Advance arrangements must be made for all additional recycling containers.

D. All recyclable materials shall be rinsed clean of all food and other particles.

E. Metal cans are to have their labels removed.

F. Newspapers, corrugated cardboard, magazines, office paper, and advertising mail shall be securely bundled and tied, in packages not to exceed 50 pounds and which shall not exceed 12 inches in height.

G. In the event that the Commissioner of Public Works finds that additional measures are necessary in order for such recyclable materials to be marketable, he shall have the power to require that recycling participants undertake such measures, provided that adequate notice is given to such recycling participants.

§ 201-72. Collection of recyclables.

[Added 1-13-1987; amended 12-19-1989]

The Commissioner of Public Works is hereby authorized to establish collection schedules and routes for the collection of recyclable materials and to cause reasonable notice of the requirements thereof to be given to the recycling participants within the Town's solid waste disposal district.

§ 201-73. Used motor oil.

[Added 1-13-1987; amended 12-14-1993]

A. Notwithstanding any other provision of this article or chapter, used motor oil shall only be disposed of by delivery to a service station which is required under state law to accept such material or by depositing such material in any waste oil recycling tank or container maintained for that purpose by the Town.

B. The following uses of waste oil igloos or any other town- designated waste oil recycling tank or container are unlawful:

(1) Depositing of commercially generated used motor oil.

(2) Depositing of used motor oil by a nonresident.

(3) Depositing of hazardous wastes.

(4) Depositing of a quantity of used motor oil which exceeds more than 1 1/2 gallons for every 30 days.

(5) Disposing, dumping, discarding or depositing of any container or receptacle which contains therein more than one ounce of used motor oil within a three-hundred-foot radius of a Town of Oyster Bay waste oil igloo or other town-designated waste oil recycling tank or container.

C. Failure to comply with the provisions of § 201-73, Used motor oil, shall constitute a Class A misdemeanor, punishable by a fine not to exceed \$1,000 but not less than \$500 or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.

§ 201-74. Penalties for offenses.

[Added 1-13-1987]

A. In the event that a recycling participant fails to separate and prepare recyclable materials for collection in accordance with the provisions of this article after being given reasonable notice of these requirements, collection of all solid waste from such dwelling may be suspended until such time as the owner or occupant can demonstrate compliance with the provisions of this article. Such compliance can be demonstrated by placing properly source-separated and prepared recyclable materials at the curb in one or more designated recycling containers on the next scheduled collection date for such recyclable materials.

[Amended 12-19-1989; 7-26-2005 by L.L. No. 5-2005]

B. *Editor's Note: Former Subsection C, regarding disposal of newspapers, which followed this subsection, was repealed 12-19-1989.* In addition to the provisions of Subsection A above, any person committing an offense against this article or any provision or section thereof shall be guilty of a violation. Each day that such violation exists shall constitute a separate offense. Such an offense shall be punishable by a fine in accordance with the following schedule:

(1) Upon conviction for a first offense under this article, a fine not exceeding \$100 or imprisonment for not more than 15 days, or both such fine and imprisonment.

(2) Upon conviction for a second offense under this article with five years of a previous conviction for a like offense, a fine of not less than \$50 nor more than \$150 or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.

(3) Upon conviction for a third offense or subsequent offense under this article within five years of two previous convictions for a like offense, a fine of not less than \$100 nor more than \$250 or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.

Article VII. Miscellaneous Provisions

§ 201-75. Applicability and conflicts of articles.

In the event of a conflict between provisions of Article II and Article VI, the provisions of Article VI shall prevail.

Part 2. Solid Waste Management

Article VIII. General Provisions

§ 201-76. Title.

This Part 2 shall be known and may be cited as the "Solid Waste Management Law."

§ 201-77. Purposes.

This Part 2 is adopted pursuant to Chapter 509 of the Laws of 1979 of the State of New York for the purposes of carrying out the expressed policy of the state, as set forth in Chapter 509 of the Laws of 1979 of the State of New York, to displace competition with regulation or monopoly public service, assisting in carrying out the purposes of the refuse and garbage disposal district to be created by the Town of Oyster Bay pursuant to Chapter 771 of the Laws of 1985, and effectuating the management on a Town wide basis of all solid waste generated within or coming into from outside of the Town of Oyster Bay in order to protect the public health and safety and to improve the environment by control of air, water and land pollution.

§ 201-78. Definitions.

As used or referred to in this Part 2, unless the context otherwise requires, the following words shall have the meanings indicated:

COMMISSIONER OF ENVIRONMENTAL RESOURCES

The Commissioner of Environmental Resources for the Town of Oyster Bay.

[Added 7-26-2005 by L.L. No. 5-2005]

COMMISSIONER OF PUBLIC WORKS

The Commissioner of Public Works of the Town of Oyster Bay.

DISPOSAL OF SOLID WASTE

The transporting or delivery of solid waste to solid waste facility.

MUNICIPALITY

Any county, city, town, village, improvement district or a county, city, Town or village acting on behalf of an improvement district, public corporation, municipal corporation, political subdivision, government agency, department or bureau of the state or federal government.

PERSON

Any natural person, individual, partnership, copartnership, association, joint venture, corporation, firm, trust, estate or any other legal entity inclusive of a municipality.

SOLID WASTE

All materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, source, special nuclear or by-product material within the meaning of the United States Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law of the State of New York.

SOLID WASTE FACILITY

Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed beyond the initial solid waste collection process for the receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including but not limited to recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, processing systems, sanitary landfills, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such facilities, and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in Subdivisions 4 and 5 of § 51-0903 of the Environmental Conservation Law of the State of New York.

TOWN BOARD

The Town Board of the Town of Oyster Bay.

TOWN OF OYSTER BAY

The entire Town of Oyster Bay as constituted and existing under the laws of the State of New York.

Article IX. Disposal Regulations

§ 201-79. Designation of facilities; rules and regulations.

[Amended 7-26-2005 by L.L. No. 5-2005]

The Commissioner of Environmental Resources is hereby authorized and directed to promulgate such rules and regulations as he shall determine to be necessary to effectuate the purposes of this Part 2, including the requirement that all private haulers be licensed by the Town Clerk; provided, however, that no such designation, rule or regulation shall become effective until it has been approved by the Town Board. All acts and proceedings taken by the Commissioner of Environmental Resources pursuant to this Part 2 shall, in all respects, be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto.

Article X. Enforcement

§ 201-80. Enforcement.

It shall be the responsibility of the Commissioner of Public Works, in consultation with the Town Attorney, to enforce the provisions of this Part 2 and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including, without limitation, a proceeding for specific performance, brought in the name of the Town of Oyster Bay as may be provided or authorized by law.

§ 201-81. Penalties for offenses.

Any person who violates this Part 2 shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the Town of Oyster Bay. Each and every act committed, which is prohibited by § [201-79](#) hereof, or any rule or regulation promulgated pursuant thereto shall constitute a separate violation of this Part 2.