

Chapter 73. GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Town Board of the Town of Shelter Island 9-20-1991 by L.L. No. 8-1991.

Editor's Note: This local law supersedes Ch. 73, Garbage, Rubbish and Refuse, adopted 7-13-1955, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. [84](#).

§ 73-1. Legislative intent.

[A.](#) The Town Board of the Town of Shelter Island finds that the management of garbage, rubbish and refuse within the Town of Shelter Island, including the conservation of recyclable materials, is necessary both to protect the natural resources of the Town and to minimize the cost of solid waste disposal.

[B.](#) It is the intent of this chapter to establish a program for the management and regulation of garbage, rubbish and refuse, including the mandatory separation of recyclables from such garbage, rubbish and refuse. Such a program will reduce the amount of solid waste disposed of, remove toxic materials from the waste stream and minimize the overall costs associated with solid waste disposal.

§ 73-2. Definitions.

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

AUTHORIZED AGENT

Any person operating a place of business within the Town who has agreed to issue Town garbage bags on behalf of the Town and to pay the necessary fees therefor.

[Amended 6-11-1992 by L.L. No. 3-1992]

CONSTRUCTION AND DEMOLITION DEBRIS

Materials, including but not limited to dock piles, planks, concrete products, siding, roofing, flooring, bricks, masonry material and other waste resulting from the construction, remodeling, repair and demolition of structures.

HOUSEHOLD HAZARDOUS WASTE

Hazardous chemical wastes found in homes, including but not limited to adhesives, alcohol, antifreeze, brake fluid, charcoal lighter fluid, cleaning solvents, degreasers, fertilizers, gasoline, herbicides, kerosene, paints, paint removers, paint thinners, pesticides, petroleum-based solvents, photographic chemicals and supplies, plant and insect spray, pool chemicals, solvents, spot removers, stains and varnishes, wood preservatives and unknown/unlabeled containers.

ILLEGAL DUMPING

The deposit by any person of garbage, rubbish, refuse or waste in any public place within the Town of Shelter Island, including its inland waters, other than in containers designated for that purpose.

LAND-CLEARING DEBRIS

Materials, including but not limited to tree limbs, tree and brush stumps, and other waste resulting from land clearing.

NONRECYCLABLE HOUSEHOLD WASTE

The end product of solid waste remaining after the extraction of recyclable materials, household hazardous waste, construction and demolition debris and land-clearing debris. "Nonrecyclable household waste" results primarily from the handling, preparation and storage of food and includes but is not limited to putrescible solid waste such as animal and vegetable waste.

PERSON

An individual, association, partnership or corporation.

RECYCLABLES

Discarded materials which may be reclaimed from the solid waste stream and which are defined as follows:

- A. Batteries, including household and automotive.
- B. Cans consisting of rinsed-clean containers, with or without labels, comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only food and/or beverage substances. "Cans" shall not mean oil, paint, pesticide or aerosol cans.
- C. Clothing which is reusable.
- D. Corrugated cardboard which is free of contaminants such as garbage, plastic and other foreign matter.
- E. Glass consisting of clear, amber and green glass food and/or beverage containers, rinsed clean with no caps. "Glass" shall not mean wired glass, crystal, ceramics, plate, window, laminated or mirrored glass or light bulbs.
- F. Motor oil from vehicles, lawn mowers and the like that is not contaminated with antifreeze.
- G. Newspapers consisting of unsoiled newsprint.
- H. Plastics consisting of all food, beverage or household containers, such as soda, detergent, bleach, milk, juice, shampoo and cooking-oil bottles, rinsed clean. "Plastics" shall not mean caps, appliances, plastic with metal parts, six-pack rings, biodegradable bags, disposable diapers, medical supplies, pens, razors, flower pots or bags, fiberglass, waxed cardboard containers, vinyl or Styrofoam.
- I. Scrap metals consisting of:
 - (1) White goods, including but not limited to discarded household appliances, such as stoves, refrigerators, washing machines and all other similar types of materials that are of recyclable value.
 - (2) Metal items other than as defined above.
- J. Tires.

SOLID WASTE

Discarded solid, liquid, semisolid or contained gaseous material which is considered the end product of an extraction, production or consumption process and for which there is no perceived further use.

TOWN GARBAGE BAG

A distinctively labeled, transparent plastic bag of such size and design as shall be determined by the Town Board, to be used for the disposal of nonrecyclable household waste.

VEGETATIVE YARD WASTE

Organic yard and garden waste, leaves, grass clippings and wood chips.

§ 73-3. Regulations.

A. All recyclable and reusable materials generated within the Town of Shelter Island for which an economic market exists shall be source separated from all other materials and shall not be mixed with other forms of solid waste.

[Amended 4-28-2000 by L.L. No. 1-2000]

B. Recyclables shall be placed only at designated areas within the Town disposal area or other designated sites within the Town.

C. Household hazardous waste, as defined herein, shall be accepted at the household hazardous waste containment facility at times to be determined by resolution of the Town Board.

D. Vegetative yard waste, as defined herein, shall be accepted only at the area of the Town disposal area designated for such material.

E. No person shall deposit garbage, rubbish, refuse or waste outside the gates of the disposal area or in any streets, highways, sidewalks, inland waters or public places within the Town of Shelter Island, unless containers for that purpose have been provided and designated.

F. No garbage, brush, lawn clippings, trash, rubbish, debris or other material that does not have its origin within the Town of Shelter Island shall be deposited or disposed of in the Town disposal area.

G. The Town Board shall from time to time promulgate such other rules or regulations as may be deemed necessary to effectuate the intent of this chapter.

§ 73-4. Nonrecyclable household.

A. Nonrecyclable household waste shall be deposited only at designated areas within the Town disposal area.

B. No person shall:

[Amended 8-7-1992 by L.L. No. 5-1992; 8-28-1992 by L.L. No. 6-1992; 1-31-2003 by L.L. No. 2-2003]

(1) Dispose of nonrecyclable household waste except in a Town garbage bag as defined herein, except for:

(a) Users bringing in large or unbaggage waste, who shall pay a fee based on weight as established by resolution of the Town Board; and

(b) Customers of a commercial hauling business having a contract with the Town of Shelter Island, in which case the hauler shall pay the Town a designated fee per ton brought to the disposal area, as set forth in the contract; and

(c) Not-for-profit organizations who have signed an agreement with the Town to pay the designated bag fee, or its equivalent, for nonrecyclable waste deposited in the disposal area.

(2) Duplicate or imitate a Town garbage bag.

(3) Give, sell or issue in any manner a duplicated or imitated Town garbage bag.

C. Town garbage bags shall be available at designated areas in the Town or through an authorized agent.

D. An authorized agent:

(1) Shall pay the designated fee to the Town for the Town garbage bags.

[Amended 6-11-1992 by L.L. No. 3-1992]

(2) (Reserved) *Editor's Note: Former Subsection D(2), which allowed for the addition of a service charge, was repealed 6-11-1992 by L.L. No. 3-1992.*

(3) Shall be responsible for the collection of any applicable state and local sales tax.

E. The size and design of the Town garbage bag shall be determined by resolution of the Town Board.

§ 73-5. Fees.

A. The fee for the disposal of construction and demolition debris, as defined in this chapter, shall be determined by resolution of the Town Board.

B. The fee for the disposal of land-clearing debris, as defined in this chapter, shall be determined by resolution of the Town Board.

C. The fee for each Town garbage bag shall be determined by resolution of the Town Board.

D. The Town Board may from time to time establish, by resolution, the fees for disposal of materials in the landfill area, other than nonrecyclable household waste.

[Added 4-24-1992 by L.L. No. 2-1992 *Editor's Note: This local law also redesignated former Subsections D and E as Subsections E and F, respectively.*]

E. Fees collected pursuant to this chapter shall be placed in a fund dedicated to covering costs of solid waste disposal.

F. Notwithstanding any of the provisions hereof, the Town Board may, by resolution, change, modify or repeal any of the fees set forth herein.

§ 73-6. Penalties for offenses.

A. A person convicted of illegal dumping shall be guilty of a violation, which is punishable as follows:

(1) For a first conviction, a fine of no less than \$50 and no more than \$250 and/or a civil penalty of \$500 or community service up to 40 hours.

(2) For a subsequent conviction, a fine of \$250 and/or a civil penalty of \$1,000 or community service of 40 hours.

B. A person convicted of a recycling offense or any other offense against this chapter other than an offense of illegal dumping shall be subject to a civil penalty of up to \$250 and/or community service of 10 hours. Such civil penalty shall be collectible by and in the name of the Town for each day that such offense shall continue.

§ 73-7. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 73-8. Effective date.

The regulations contained in this chapter shall become effective on October 15, 1991.