

## Chapter 205: LANDFILLS, TRANSFER STATIONS AND SCAVENGER WASTE

[HISTORY: Adopted by the Town Board of the Town of Southampton 7-9-1985 by L.L. No. 4-1985. Amendments noted where applicable.]

### GENERAL REFERENCES

Junkyards and junk dealers — See Ch. 199.

Littering and handbills — See Ch. 211.

Protection of natural resources — See Ch. 229.

Chapter 205: LANDFILLS, TRANSFER STATIONS AND SCAVENGER WASTE

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Article I: Sanitary Landfill Stations and Garbage Transfer Stations

[Amended 2-11-1986 by L.L. No. 3-1986; 4-22-1986 by L.L. No. 6-1986; 5-12-1987 by L.L. No. 3-1987]

§ 205-1 Applicability.

[Amended 2-9-1993 by L.L. No. 5-1993]

The rules and regulations of this chapter shall apply to all generators of solid waste located within the Town of Southampton and to all Town disposal areas, including sanitary landfill stations and garbage transfer stations.

§ 205-2 Definitions.

[Added 4-25-1989 by L.L. No. 10-1989]

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

**BULK GOODS**

Solid waste, transported by a self-hauler, that is too large or bulky to be contained in a tied Town garbage bag.

[Added 11-29-1994 by L.L. No. 56-1994]

**CANS**

Containers comprised of aluminum, tin, steel or a combination thereof which contain or formerly contained only food and/or beverage substances.

[Added 12-12-1989 by L.L. No. 24-1989]

**CARDBOARD**

All corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but shall not mean wax-coated or soiled cardboard.

[Added 12-12-1989 by L.L. No. 24-1989]

**COMMERCIAL GARBAGE HAULER**

A vehicle utilized in the business of collecting and transporting solid waste of any kind.

[Added 7-10-1990 by L.L. No. 19-1990; amended 6-11-1991 by L.L. No. 9-1991]

**GLASS**

All clear (flint), green and brown (amber) colored glass containers. "Glass" shall not mean wired glass, crystal, ceramics and plate, window, laminated or mirrored glass.

[Added 12-12-1989 by L.L. No. 24-1989]

**HAZARDOUS WASTE**

[Added 7-10-1990 by L.L. No. 19-1990]

A.

A solid waste or a 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 improperly treated, stored, transported or disposed of or otherwise managed.

B.

Includes but is not limited to explosives, hazardous radioactive materials, toxic substances and those substances which the administrator of the Federal Environmental Protection Agency has caused to be included in the listing of hazardous waste promulgated by said Agency pursuant to 42 U.S.C.A. § 6921(b).

**METAL**

Any of the various opaque, fusible, ductile and typically lustrous substances that are good conductors of electricity and heat, form cations by loss of electrons and yield basic oxides and hydroxides, including any alloys or combinations thereof.

[Added 12-12-1989 by L.L. No. 24-1989]

**NEWSPAPER**

Includes newsprint and all newspaper and newspaper advertisements, supplements, comics and enclosures.

**NONRECYCLABLE WASTE**

Same as "solid waste."

[Added 11-29-1994 by L.L. No. 56-1994]

**NONRESIDENTIAL SELF-HAULER**

A vehicle utilized in the transporting of solid waste originating from a building or parcel of land with four or more dwelling units or any single business or single industrial use.

[Added 6-11-1991 by L.L. No. 9-1991]

**PAPER**

All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, computer paper and similar cellulosic material, but shall not mean newspapers, wax paper, plastic- or foil-coated paper, styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

[Added 12-12-1989 by L.L. No. 24-1989]

**PLASTICS**

Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Town Board may designate.

[Added 12-21-1990 by L.L. No. 3-1990]

**RESIDENTIAL SELF-HAULER**

A vehicle utilized in the transporting of solid waste originating from a building or parcel of land having three or fewer dwelling units.

[Added 6-11-1991 by L.L. No. 9-1991]

**RUBBISH**

Nonputrescible solid waste consisting of both combustible and noncombustible wastes, including but not limited to nonrecyclable paper, wrappings, cigarettes, wood, wires, glass, bedding, furniture and similar materials which are not designated recyclable materials.

**SELF-HAULER**

A passenger car, station wagon, van of one ton's capacity or less or a pickup truck utilized by anyone who is not in the business of collecting and transporting solid waste.

[Added 11-29-1994 by L.L. No. 56-1994]

## **SOLID WASTE**

All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter and rubbish, but not including designated recyclable materials or materials to be separated.

## **TOWN GARBAGE BAG**

A plastic bag bearing the logo of the Seal of the Town of Southampton, of such size and design as shall be determined by the Town Board, to be used by self-haulers for the disposal of solid waste.

[Added 11-29-1994 by L.L. No. 56-1994]

## **VEGETATIVE YARD WASTE**

Organic yard and garden waste, leaves and brush, not including grass clippings.

[Amended 6-8-1993 by L.L. No. 14-1993]

## **WHITE GOODS**

Discarded household appliances such as stoves, refrigerators, washing machines and other old metal items.

## **§ 205-3 Regulations.**

### **A.**

Disposal areas shall be open during such hours as may be designated by resolution of the Town Board adopted from time to time.

### **B.**

The personnel in charge of each disposal area shall have full power and authority to direct the manner of deposit of material at different locations within the disposal area that are designated for the deposit of specific types of materials, and anyone using said disposal area shall obey the instructions of said personnel and shall deposit the various types of material only in the areas or containers designated for such types of materials.

### **C.**

The disposal area personnel shall designate the unloading area at disposal areas by appropriate signs at both ends of said area. No person may deposit materials other than those designated by these signs. No person other than the authorized personnel of the disposal area may go beyond the signs and enter the area reserved for the deposit of this material.

### **D.**

The personnel in charge of each disposal area shall be responsible for the directing of movements of traffic within said disposal area, and anyone operating a vehicle within said disposal area shall obey the instructions of said personnel in this regard. No person shall park a vehicle between the signs designating an unloading zone except for the purpose and time required to unload.

### **E.**

The Town disposal areas are maintained by the taxpayers of the Town of Southampton and are provided for the use of the residents of the Town of Southampton only. No material of any sort that is collected or transported from outside the limits of the Town of Southampton shall be deposited in said disposal areas.

[Amended 6-11-1991 by L.L. No. 9-1991]

### **F.**

It shall be unlawful for any person to deposit any waste, garbage or rubbish of any kind on land of the Town of Southampton outside the areas designated for the deposit of those materials.

G.

No person shall dump, throw or place in any manner any rubbish, refuse, dirt or any material whatsoever in or upon such disposal area nor at a time except that indicated by such sign or signs or directions.

H.

Any oral directions given by any person in charge of any disposal area shall take precedence over any sign or displayed directions.

I.

It shall be unlawful for any person to deposit any waste, garbage or rubbish outside the gates of any disposal area at any time unless containers for that purpose have been provided and designated.

J.

It shall be unlawful for any person other than the disposal area personnel to set fire to any material within the disposal area.

K.

(Reserved)<sup>[1]</sup>

[1]:

*Editor's Note: Former Subsection K, which prohibited the removal of material from disposal areas, was repealed 5-26-1992 by L.L. No. 27-1992.*

L.

No person shall deposit any animal carcass in or upon any transfer station, except that an animal carcass may be buried if immediately interred by the person bringing such carcass to a sanitary landfill in a ditch at least two feet in depth and provided that the same is immediately covered to the level of the surrounding area with earth.

M.

No person shall remove, destroy, alter, deface or otherwise injure any sign or signs placed or erected within any public disposal area except upon and by the direction of the Sanitation Supervisor.

[Amended 6-11-1991 by L.L. No. 9-1991]

N.

All material transported to a disposal area shall be covered and secured so as not to disperse material during transportation of such material.

O.

All vehicles requiring permits under § **205-4B** shall meet the regulations of the Suffolk County Department of Health.

P.

No tires may be deposited at a disposal area. However, tires may be accepted for recycling at the discretion of the Town upon payment of a fee of \$100 per ton. Said fee shall be prorated for any fraction or part of a ton.

[Amended 6-14-1988 by L.L. No. 9-1988; 4-14-1992 by L.L. No. 7-1992]

Q.

No hazardous wastes shall be disposed of at a disposal area.

[Amended 7-10-1990 by L.L. No. 19-1990]

R.

It shall be unlawful for any person engaged in the business of collecting garbage and waste within the Town of Southampton to make such collection before 6:00 a.m. or after 10:00 p.m. of any day.

S.

All appliances shall have their doors removed before disposal at a disposal area.

T.

Any material which is incompatible with use of the compactor at a transfer station shall be prohibited at such station and shall be disposed of at a sanitary landfill.

U.

All vehicles required to pay a usage fee under § **205-5A** and entering the sanitary landfill site must utilize the scale installed at said site and obey the instructions of the personnel in charge. A weight ticket shall be retrieved from the scale house before entering the landfill site.

V.

The disposal of land-clearing debris, construction debris or demolition debris by commercial garbage haulers shall be prohibited at any Town disposal area. Land-clearing debris, construction debris or demolition debris deposited by self-haulers must be separated from any and all other solid waste, trash, rubbish or vegetative yard waste and deposited only at designated areas within such Town disposal area or transfer station.

[Amended 3-14-1995 by L.L. No. 17-1995]

W.

The Town Board hereby delegates to the Sanitation Supervisor the authority to adopt rules to prohibit the disposal of any waste materials, in addition to those materials expressly prohibited by this chapter, where the Sanitation Supervisor finds that waste materials would be harmful to the public welfare or would adversely impact the remaining capacity of the sanitary landfill station. Said rules shall be published in the official newspaper of the Town and posted on the Town Clerk's signboard. Said rules shall be effective upon such posting and publishing.

[Amended 6-11-1991 by L.L. No. 9-1991]

X.

No newspaper as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such newspaper is separated from any and all solid waste, trash, rubbish or vegetative yard waste. Such newspaper is to be deposited only at designated areas within such Town disposal area or transfer station. When such newspaper is prepared for disposal by anyone other than the ultimate disposer, such as a carter, it should be securely bundled and tied in packages not exceeding 50 pounds with a rope or cord sufficient in strength to facilitate handling.

[Added 4-25-1989 by L.L. No. 10-1989]

Y.

No vegetative yard waste, as defined herein, shall be deposited at any Town of Southampton disposal area or Town transfer station unless such vegetative yard waste is separated from any and all solid waste, trash or rubbish. Such vegetative yard waste is to be deposited only at designated areas within such Town disposal area or transfer station, and in no event shall vegetative yard waste include grass clippings.

[Added 4-25-1989 by L.L. No. 10-1989; amended 6-8-1993 by L.L. No. 14-1993]

Z.

No white goods as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such white goods are separated from any and all solid waste, trash, rubbish or

vegetative yard waste. Such white goods are to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 4-25-1989 by L.L. No. 10-1989]

AA.

No cans as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such cans are separated from any and all solid waste, trash, rubbish, vegetative yard waste, cardboard, glass, metal or paper. Such cans are to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 12-12-1989 by L.L. No. 24-1989]

BB.

No cardboard as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such cardboard is separated from any and all solid waste, trash, rubbish, vegetative yard waste, cans, glass, metal or paper. Such cardboard is to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 12-12-1989 by L.L. No. 24-1989]

CC.

No glass as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such glass is separated from any and all solid waste, trash, rubbish, vegetative yard waste, cans, cardboard, metal or paper. Such glass is to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 12-12-1989 by L.L. No. 24-1989]

DD.

No metal as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such metal is separated from any and all solid waste, trash, rubbish, vegetative yard waste, cans, cardboard, glass or paper. Such metal is to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 12-12-1989 by L.L. No. 24-1989]

EE.

No paper as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such paper is separated from any and all solid waste, trash, rubbish, vegetative yard waste, cans, cardboard, glass or metal. Such paper is to be deposited only at designated areas within such Town disposal area or transfer station.

[Added 12-12-1989 by L.L. No. 24-1989]

FF.

No plastics as defined herein shall be deposited at any Town of Southampton disposal area or Town transfer station unless such plastics are separated from any and all solid waste, trash, rubbish, vegetative yard waste, cardboard, glass, metal or paper. Such plastics are to be deposited at designated areas within such Town disposal area or transfer station.

[Added 12-21-1990 by L.L. No. 30-1990]

GG.

All generators of solid waste located within the Town of Southampton, which leave such waste for collection or which deliver such waste to a solid waste facility, shall separate newspaper, vegetative yard waste, white

goods, cans, cardboard, glass, metal, paper and plastics from the solid waste stream at the point of waste generation.

[Added 2-9-1993 by L.L. No. 5-1993]

HH.

Nonrecyclable waste and Town garbage bags.

[Added 11-29-1994 by L.L. No. 56-1994]

(1)

Nonrecyclable waste deposited at any Town disposal area by a self-hauler shall be fully contained in a tied Town garbage bag unless it consists of or includes one or more bulk goods.

(2)

Town garbage bags shall be available at designated areas in the Town.

(3)

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

(4)

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

(5)

No person shall:

(a)

Duplicate or imitate a Town garbage bag.

(b)

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

§ 205-3.1 Regulations on solicitation of business.

[Added 1-24-1995 by L.L. No. 6-1995]

A.

It is unlawful for any commercial garbage hauler or anyone acting on behalf of a commercial garbage hauler to canvass or to solicit business by entering upon the privately owned premises of any property located within the Town of Southampton if the property owner has noted objection to such entry and if the address of such property owner has been provided to the commercial garbage hauler pursuant to the provisions of this chapter.

B.

The Town Clerk shall maintain a list of addresses of property owners within the Town of Southampton who have notified the Clerk of a wish not to be solicited at their premises by any commercial garbage hauler or person representing a commercial garbage hauler.

§ 205-4 Permits for garbage vehicles; permit fees.

A.

All vehicles required to pay a usage fee under § **205-5A** shall display a vehicle permit as herein required, which shall be affixed to the left side of the front bumper.

[Amended 6-11-1991 by L.L. No. 9-1991]

B.



Permits will be issued by the Town Clerk's office after payment of the following fees for each vehicle:  
[Amended 7-10-1990 by L.L. No. 19-1990; 6-11-1991 by L.L. No. 9-1991; 4-14-1992 by L.L. No. 7-1992]

(1)  
Garbage haulers and all other vehicles required to pay a usage fee under § **205-5A**: \$300 for the first vehicle and \$125 for each additional vehicle.

(2)  
Roll-off containers:

(a)  
Zero to 20 cubic yards: \$75.

(b)  
More than 20 yards to 40 yards: \$150.

(c)  
More than 40 yards: \$300.

(3)  
Nonresidential self-haulers depositing source-separated recyclables only and vehicles engaged in the business of transporting source-separated recyclables only: \$100 for the first vehicle and \$50 for each additional vehicle.  
[Added 9-15-1992 by L.L. No. 41-1992]

C.  
All permit fees are annual for the calendar year with no proration.

D.  
It shall be unlawful to utilize a vehicle in the business of collecting and transporting solid waste without the proper vehicle permit, and each vehicle shall have its own separate permit which shall be issued to the registration number of the vehicle where applicable.

E.  
All commercial garbage haulers, regardless of whether they utilize the Town landfill or transfer stations, and all persons applying for vehicle permits under Subsection B of this section shall be required to file an application form with the Sanitation Supervisor for approval.  
[Amended 6-11-1991 by L.L. No. 9-1991; 1-24-1995 by L.L. No. 6-1995]

(1)  
Prior to the issuance of a permit for any vehicle pursuant to Subsection B of this section, the Sanitation Supervisor shall first approve the application for such permit and the vehicle shall be inspected.

(2)  
Each applicant for such permit shall provide the following information:

(a)  
The name and address of the applicant and of all persons having a financial interest in the business.

(b)  
A brief description of the vehicle, including the manufacturer, factory number, type of body (for example, tank, enclosed pickup, packer, van and so forth), weight of the vehicle unladen, maximum load to be carried and New York State registration number. All trucks must have lettering on the sides of the vehicle indicating their company name, at least six inches high.

(c)

All commercial garbage haulers shall provide the Town with a list of all residential and nonresidential sites of collection, indicating the street address of such sites and the days of pickup at those sites.

(d)

The location where the vehicle is stored or garaged when not in use.

(e)

The place or places where the applicant shall dispose of the garbage, refuse, rubbish or trash collected and the manner of disposal.

(f)

Whether the applicant or any of the persons having a financial interest in the business has ever been convicted of a felony or misdemeanor or has ever had an operator's license revoked or suspended in this or any other state.

(g)

Proof of financial responsibility in the event of injury to persons or property by reason of the negligent operation of any vehicle used in the business.

(h)

The type of permit applied for.

(i)

All commercial garbage haulers must deposit with the Town the sum of the lesser of \$500 or an amount equal to the largest monthly bill paid by the hauler within the preceding twelve-month period for usage fees, to be held by the Town as a security deposit for faithful performance of the terms and conditions of this chapter. All deposits so made shall be placed by the Town in interest-bearing accounts. The interest so earned shall be paid to each permittee on an annual basis. Upon cancellation or revocation of a permit issued pursuant to this chapter, the security deposit will be returned to the permittee with accumulated interest after deducting any outstanding usage fees.

[Amended 3-24-1992 by L.L. No. 5-1992; 11-29-1994 by L.L. No. 56-1994]

(3)

The Sanitation Supervisor may require any additional information he may deem necessary from an individual applicant in order to administer the regulations enumerated in § 205-3 of this chapter.

F.

Said permits shall be issued with an individual identification number which shall be assigned to each vehicle and shall not be transferable. Upon issuance of the permit, the Town Clerk shall also provide a copy of the list of addresses that it maintains pursuant to § 205-3.1 of this chapter to every person receiving such permit. Said permit shall be kept available within the vehicle for inspection upon demand.

[Amended 1-24-1995 by L.L. No. 6-1995]

G.

Any permit issued hereunder may be suspended or revoked by the Town Board after notice to the applicant and a hearing, where one or more of the following grounds exist:

(1)

The applicant has not been found to be fit, willing and able to properly perform the service proposed and the applicant is unable to provide sufficient and suitable equipment to meet the requirements of the business.

(2)

Issuance of the permit is deemed not to be in the best interests of the Town or its residents.

(3)

The applicant has failed and refused, without reasonable cause, to collect and dispose of material except in a situation where a contract between the applicant and his customer has been lawfully terminated.

(4)

The applicant has failed to account for or pay, without reasonable cause, any fees or bills due to the Town.

(5)

The applicant has failed to reasonably fulfill his obligations to a customer as commercial refuse collector.

(6)

The applicant is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or a money judgment has been secured against him, upon which an execution has been returned wholly or partly unsatisfied.

(7)

The applicant or permittee has failed to keep and maintain any records required by the Town or has refused to allow the inspection thereof.

(8)

The applicant has violated any of the provisions of this article or has failed to comply with any of the requirements stipulated herein.

(9)

The applicant ceased to operate as a commercial collector, for which a permit was previously issued.

(10)

The applicant has made a false statement in his permit application.

(11)

The applicant has been found to have collected material from outside the Town and to have disposed of the same in a public disposal facility within the Town. The suspension or revocation will be in addition to penalties provided by § **205-7**.

[Amended 6-11-1991 by L.L. No. 9-1991]

(12)

The circumstances of the applicant have been altered to the extent that the applicant would not be qualified to obtain a permit if the circumstances, as altered, existed at the time the applicant had applied for the permit. Failure of the applicant to notify the Town, in writing, of such an alteration in circumstances shall likewise constitute grounds for revocation or refusal to recommend.

(13)

The applicant has illegally disposed of hazardous or contaminated waste at a disposal area or at any location within the Town. The suspension or revocation will be in addition to penalties provided by § **205-7**.

[Amended 6-11-1991 by L.L. No. 9-1991]

(14)

The applicant has been found to have violated any of the posted rules pertaining to safe operation of the Town-owned and/or -maintained public disposal facilities.

§ 205-5 Usage fees.

[Amended 7-12-1988 by L.L. No. 16-1988; 12-12-1989 by L.L. No. 25-1989; 2-27-1990 by L.L. No. 4-1990; 11-13-1990 by L.L. No. 29-1990; 6-11-1991 by L.L. No. 9-1991; 4-14-1992 by L.L. No. 7-1992; 9-15-1992 by L.L. No. 41-1992; 11-29-1994 by L.L. No. 56-1994]

A.

The Town Board shall determine by resolution the fees for self-haulers depositing bulk goods, land-clearing debris, yard waste, construction or demolition debris, and any recyclables.

[Amended 11-12-1996 by L.L. No. 47-1996]

B.

Self-haulers depositing bulk goods shall pay a flat fee of \$5 per load.

[Amended 1-10-1995 by L.L. No. 5-1995]

C.

The method and procedure for collection of the fees prescribed by this section shall be established by the Town Board by resolution.

D.

Vehicles which are larger than a pickup truck or a van of one ton's capacity and commercial garbage hauler vehicles and self-haulers depositing bulk goods shall utilize only the North Sea disposal area.

E.

There shall be no fee for the deposit of source-separated recyclables or vegetative yard waste by self-haulers.

[Added 1-10-1995 by L.L. No. 5-1995]

F.

Self-haulers depositing land-clearing debris, construction debris or demolition debris shall pay a flat fee of \$25 per cubic yard.

[Added 3-14-1995 by L.L. No. 17-1995]

§ 205-6 Removal of surplus fill.

A.

When available, surplus fill from the grounds of the sanitary landfill areas may be removed by municipal governing bodies under the following conditions:

(1)

Said fill shall consist of either sand or marl, as determined by the loading machine operator.

(2)

Said material shall be dug and loaded only by the Town-owned loading machines, operated by disposal area personnel.

(3)

Persons desiring said fill shall present to disposal area personnel a valid permit issued by the Town Board stipulating the amount of fill permitted to be removed.

(4)

Said loading machine operator, upon acceptance of the permit, shall load the appropriate vehicle or vehicles provided by the permittee, unless said loading equipment is temporarily inoperative, absent or employed in need elsewhere in the disposal area; there is no guaranty of a specific loading equipment operator.

(5)

Said vehicle provided by the permittee shall be loaded at the owner's risk, and the Town of Southampton shall not be responsible for any damage to said vehicle resulting from the act of loading fill into the vehicle.

B.

Municipal governing bodies, such as incorporated villages, fire districts and school districts located within the Town of Southampton, may make application for specific amounts of fill without fee. Said application shall be submitted to the Town Board for approval by resolution.

#### § 205-7 Penalties for offenses.

[Amended 7-10-1990 by L.L. No. 19-1990]

A violation of any of the provisions of this article shall be deemed a violation and, upon conviction, shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Article II: Scavenger Waste

#### § 205-8 Definitions.

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

##### **ALTERATION**

The repair, modification or replacement of any component of an on-site sewage disposal system.

##### **EXCLUDED WASTE**

The following forms of waste are considered excluded waste:

A.

Industrial waste.

B.

Automobile oil and other noncooking oil.

C.

Drainage from basement floors, footings or roofs.

D.

Toxic or hazardous substances and chemicals, including but not limited to pesticides, acids, paints, paint thinner, herbicides, solvents, photographic chemicals and water-softening agents.

E.

Cesspool-cleaning and drain-opening products which are prohibited by Article 39 of the New York Environmental Conservation Law or Suffolk County Local Law No. 12-1980.

#### **ON-SITE SEWAGE DISPOSAL SYSTEM**

A system for the disposal of untreated scavenger waste, such as a septic tank, cesspool, sewage holding tank, marine pump-out holding tank or other similar device, on or near the site of the building or buildings being served.

**OWNER**

A natural person, corporation, the State of New York or any authority or subdivision of the state, the United States of America or any department or agency thereof who owns, rents or leases real property.

**PERSON**

An individual, association, firm, syndicate, corporation, department, bureau or agency or any entity recognized by law as the subject of rights and duties.

**SCAVENGER WASTE**

Sanitary sewage and domestic sewage wastes which are normally disposed of in an on-site sewage disposal system. Scavenger waste shall not include excluded wastes as defined herein.

**SCAVENGER WASTE PLANT**

The joint Riverhead/Southampton Scavenger Waste Treatment Plant situate on Riverside Drive, Riverhead.

**TOWN**

The Town of Southampton, including incorporated villages.

§ 205-9 On-site sewage disposal systems.

**A.**

Only scavenger waste shall be discharged into on-site sewage disposal systems in the Town.

**B.**

The discharge of excluded waste into an on-site sewage disposal system shall be prohibited in the Town.

§ 205-10 Transportation permit required; fee; rules and regulations.

**A.**

No person shall engage in the removal of scavenger waste from any on-site septic system in the Town without a valid permit issued by the Town Clerk and the Suffolk County Department of Health Services.

**B.**

Any applicant for a permit as required by Subsection **A** of this section shall file a sworn application with the Town Clerk. Said application shall be on a form provided by the Town Clerk and shall contain the name and address of the applicant and the type, model, capacity (in gallons) and registration number of all vehicles to be used. Additionally, such form shall state:

[Amended 7-10-1990 by L.L. No. 19-1990]

"I, \_\_\_\_\_, being duly sworn, state and depose that I am familiar with the provisions of Chapter **205**, Article **II**, Scavenger Waste, of the Town Code of the Town of Southampton. I will report the address and exact location of all on-site sewage disposal systems pumped by me or my business within the Town of Southampton as required by Chapter **205**, Article **II**. I will comply with all other provisions of Chapter **205**, Article **II**. I am aware that failure to comply will result in the assessment of a penalty of \$250 and/or 15 days' imprisonment for each violation."

**C.**

The permit fee for the permit required by Subsection **A** of this section shall be \$250 per vehicle. This fee shall be collected by the Town Clerk before the permit is issued. A permit shall be issued for each vehicle to be utilized by the applicant.

D.  
Each person with a permit under the provisions of this section shall file on the last Friday of each month, on a form to be provided by the Town Clerk, a report for each vehicle with the Town Clerk, stating the address, Suffolk County Tax Map number and exact location of each on-site sewage disposal system pumped during the month and shall certify that no excluded waste was disposed of at the joint scavenger waste facility.

E.  
All scavenger waste generated within the Town shall be disposed of at the scavenger waste plant.

F.  
No excluded waste shall be disposed of at the scavenger waste plant.

G.  
The rules for disposal of scavenger waste at the scavenger waste plant shall be promulgated by the Town of Riverhead. The personnel in charge of said facility shall have full authority to implement said rules. Any violation of said rules by a person licensed by the Town of Southampton shall be deemed a violation of this chapter.

#### § 205-11\_Construction or alteration permit for on-site sewage disposal system; fee.

A.  
No person shall construct a new on-site sewage disposal system or alter any existing on-site disposal system in the Town without first obtaining a permit from the Town Clerk. Such permit shall state the exact location of the on-site sewage disposal system and the address and Tax Map number of the property where the work is performed in the manner and form specified by the Town Clerk.

B.  
The fee charged for such construction permit shall be in an amount prescribed by resolution of the Town Board.

#### § 205-12\_Construction standards for on-site sewage disposal systems.

A.  
All new construction of on-site sewage disposal systems in the Town shall conform to Standards for Sewage and Waste Disposal Systems as then established by the Suffolk County Department of Health Services.

B.  
All new construction shall be located as prescribed by the Suffolk County Department of Health Services and at a location where pumping can occur without trespassing on lands of another owner an express easement for that purpose over another owner's premises exists.

C.  
All on-site sewage disposal systems shall be covered in a manner that permits inspection as provided for herein.

#### § 205-13\_Inspections.

A.  
Every five years, or sooner if conditions require, on-site sewage disposal systems shall be inspected by qualified inspectors employed by the Town. A copy of this inspection report shall be provided to the owner. This requirement shall not apply to on-site sewage disposal systems in use on the effective date of this chapter until said systems are altered or pumped. However, nothing herein shall prevent a lawful inspection of an existing on-site sewage disposal system where an inspector has reason to believe that an existing system may be

causing actual or potential pollution of groundwater or surface water, contamination of the drinking water supply, nuisance problems or other public health hazards.

B.

The conduct of inspections shall be subject to all applicable laws. Five days' written notice is to be given to the owner that an inspection will be made.

C.

No civil claim shall lie against the Town for any damages resulting from any inspection as authorized herein.

D.

An inspector may order whatever remedial action is necessary to abate actual or potential pollution of groundwater or surface water, contamination of the drinking water supply, nuisance problems or other public health hazards. The time for compliance shall be specified. Failure to comply with an inspector's order shall be a violation of this article.

§ 205-14 Fees for scavenger waste.

The Town Board shall, by resolution, set the fee for the disposing of scavenger waste at the scavenger waste plant at an amount of not less than \$0.015 per gallon. The fee to be paid shall be calculated on full-tank capacity.<sup>[1]</sup>

[1]:

*Editor's Note: Current fees are available at the Town offices.*

§ 205-15 Penalties for offenses.

A.

Any violation of this article shall be punishable by a fine of not more than \$1,000 or by imprisonment for a term not to exceed 15 days, or both.

[Amended 7-10-1990 by L.L. No. 19-1990]

B.

In addition to any other remedy available at law, the Town may seek whatever equitable remedies are available to it to enforce this article.