

## **Chapter 233. SOLID WASTE**

[HISTORY: Adopted by the Town Board of the Town of Southold as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Outdoor burning — See Ch. [104](#).

Environmental quality review — See Ch. [130](#).

Junkyards — See Ch. [166](#).

Littering — See Ch. [174](#).

Salvage centers — See Ch. [211](#).

Scavenger wastes — See Ch. [215](#), Art. I.

### **Article I. Garbage, Rubbish and Refuse**

[Adopted 3-23-1948; amended in its entirety 6-25-1965]

#### **§ 233-1. Definitions.**

[Amended 10-9-1984 by L.L. No. 9-1984; 2-5-1991 by L.L. No. 1-1991; 11-26-1991 by L.L. No. 26-1991; 11-26-1991 by L.L. No. 27-1991; 9-10-1993 by L.L. No. 20-1993; 2-8-1994 by L.L. No. 1-1994; 5-3-1994 by L.L. No. 6-1994; 11-24-1998 by L.L. No. 24-1998]

Words and terms used in this article shall have the following meanings:

#### **AGRICULTURAL DEBRIS**

Agricultural products, but not to include brush, canes, vines, packaging or the like.

#### **ATTENDANT**

Any employee of the Town of Southold placed in charge of a Town transfer station under the direction of the Town Board.

#### **CANS**

Shall be a recyclable and shall mean empty rinsed-clean containers, with or without labels, comprised of aluminum foil, tin, steel or a combination thereof.

#### **CORRUGATED CARDBOARD**

Shall be a recyclable and shall mean clean, dry corrugated cardboard.

#### **COMMERCIAL SELF-HAULERS**

Those businesses, trades or other commercial enterprises which transport the refuse and/or recyclables generated in the operation of their business, trade or commercial enterprise for deposit at the Town of Southold transfer station.

#### **COMMERCIAL VEHICLES**

Vehicles used in business or any vehicle of greater than one-ton capacity.

#### **CONSTRUCTION AND DEMOLITION (C & D) DEBRIS**

Includes but is not limited to waste cement, concrete, masonry work, brick, tile, sheetrock, plaster, wood shingles and the like and rubble resulting from remodeling, demolition, repair and building of structures.

#### **GLASS**

Shall be a recyclable and shall mean all clear (flint), green and brown (amber) colored glass containers rinsed clean. "Glass" shall not mean wired glass, crystal, ceramics, plate, window, laminated or mirrored glass or light bulbs.

#### **ILLEGAL DUMPING**

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

#### **NEWSPAPER**

Shall be a recyclable and shall include unsoiled newsprint and all newspaper advertisement. "Newspaper" shall not include phone books, junk mail, plastic bags, cardboard boxes, brown paper bags, magazines or catalogs.

#### **NONRECYCLABLE WASTE**

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

#### **PERSON**

An individual, an association, a partnership or a corporation.

#### **PLASTICS**

Shall be a recyclable and shall mean all food, beverage or household containers labeled Nos. 1 and 2 such as soda, detergent, bleach, milk, juice, shampoo or cooking oil bottles, rinsed clean. "Plastics" shall not mean caps, appliances, plastic with metal parts, six-pack rings, biodegradable bags, fiberglass, waxed cardboard containers, vinyl or styrofoam.

#### **RECYCLABLE, MANDATED**

Any can, glass or plastic container or corrugated cardboard or newspaper, as defined in this section.

#### **RECYCLABLE, OTHER**

All waste which can be recycled, other than municipal recyclables.

#### **RECYCLABLE WOOD**

A. Clean, untreated, unpainted lumber products or remnants containing no nails or other metals; or

B. Logs not greater than four feet in length and six inches in diameter.

#### **REFUSE**

Shall have the same meaning as "nonrecyclable waste." "Refuse" shall not include cans, glass, plastics or newspaper, as further defined herein.

#### **REFUSE HAULER/CARTER**

Any individual, association, partnership, firm, corporation, not-for-profit organization, or any other person so deemed by the Town to be engaged in the business of collection, pickup, transfer, removal and/or disposal of solid waste and/or recyclables.

**[Added 5-10-2011 by L.L. No. 4-2011]**

#### **TRANSFER STATION, PRIVATE**

Any combination of structures, machinery and facilities used for off-loading solid waste from collection vehicles, the recovery of recyclables from said solid waste, and/or the reloading of nonrecyclable solid waste into vehicles for disposal.

**[Added 5-22-2007 by L.L. No. 13-2007]**

## **TRANSFER STATION, TOWN**

The disposal area owned and operated by the Town of Southold located north of County Route 48 at Cutchogue, New York.

**[Amended 5-22-2007 by L.L. No. 13-2007]**

## **RESIDENTIAL SELF-HAULERS**

Those residents who transport their refuse and/or recyclables for deposit at the Town of Southold Transfer Station.

## **TOWN GARBAGE BAG**

A plastic bag bearing the logo of the Seal of the Town of Southold, of such size and design as shall be determined by the Town Board, to be used for the disposal of nonrecyclable waste.

### **§ 233-2. Dumping prohibited generally.**

**[Amended 7-31-1973; 3-24-1992 by L.L. No. 9-1992; 9-10-1993 by L.L. No. 20-1993; 11-24-1998 by L.L. No. 24-1998]**

A. No person shall collect, store, accumulate, throw, cast, deposit or dispose of or cause or permit to be collected, stored, accumulated, thrown, cast, deposited or disposed of any hazardous waste, refuse and/or recyclable upon any premises or upon any street, highway, sidewalk or public/private place within the Town of Southold, except when authorized by the Town Board.

B. Nothing contained herein shall be construed so as to prevent:

- (1) The accumulation of refuse by a resident of the Town upon premises occupied by him, to the extent that such accumulation is ordinary and necessary for his personal household requirements.
- (2) The disposal of refuse at any transfer station maintained or authorized by the Town of Southold.
- (3) The proper use of receptacles placed upon the streets or other public places in the Town of Southold for the depositing of refuse; provided, however, that such public receptacles shall not be used for the deposit of accumulated household garbage.
- (4) The engaging in secondhand junk and auto parts activities and businesses when a license therefor has been obtained pursuant to the provisions of the Southold Town ordinance licensing and regulating secondhand junk and auto parts activities and businesses. *Editor's Note: See Ch. 166, Junkyards.*

C. Nonrecyclable waste and Town garbage bags.

- (1) Nonrecyclable waste shall be deposited only at designated areas within the transfer station.
- (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.

### **§ 233-3. Town transfer station.**

**[Added 7-31-1973; amended 7-24-1979 by L.L. No. 1-1979; 10-9-1984 by L.L. No. 9-1984; 7-15-1986 by L.L. No. 7-1986; 9-23-1986 by L.L. No. 12-1986; 5-3-1988 by L.L. No. 11-1988; 2-5-1991 by L.L. No. 1-1991; 11-26-1991 by L.L. No. 26-1991; 11-26-1991 by L.L. No. 27-1991; 9-10-1993 by L.L. No. 20-1993; 12-7-1993**

by L.L. No. 25-1993; 5-3-1994 by L.L. No. 6-1994; 11-24-1998 by L.L. No. 24-1998; 5-10-2011 by L.L. No. 4-2011]

A. Use of Town transfer station. No person shall deposit or cause to be deposited in or on any transfer station maintained by a waste district in the Town of Southold any waste of any kind except under the direction of the attendant in charge, whether such direction is given personally or by another person by his authority or by a sign or signs erected at the transfer station by the authority of the Town Board.

B. The Town may refuse to accept any garbage, refuse, rubbish or other material that does not have its origin within the Town of Southold at any time.

C. No vehicle shall be permitted to transport refuse into the Town's transfer station unless such vehicle displays a valid permit or the operator pays the applicable single-entry fee, except that vehicles owned and operated by any of the following entitled shall be permitted to transport refuse into the Town's transfer station, provided that at least one valid permit and/or license has been issued to the particular entity: the State of New York, the County of Suffolk, the Village of Greenport and fire districts, school districts and park districts located within the Town of Southold.

D. The attendant at the transfer station is authorized to prohibit the disposal of discarded motor vehicles and/or discarded fuel tanks having a capacity in excess of 550 gallons at the transfer station.

E. All municipal recyclables must be deposited in the appropriate location of the transfer station owned by the Town of Southold.

#### § 233-3.1. Disposal and collection of solid waste and recyclables.

[Added 5-10-2011 by L.L. No. 4-2011]

A. All solid waste and recyclables generated within the Town of Southold shall be collected and/or disposed of in the following manner:

(1) Residential self-haulers and commercial self-haulers.

(a) No cans, corrugated cardboard, glass, plastic or newspaper as defined herein shall be deposited at the Town's transfer station unless separated from any and all solid waste, trash, rubbish and vegetative yard waste. They are to be deposited only at designated areas within such Town disposal area.

(b) Nonrecyclable waste.

[1] Residential self-haulers. Nonrecyclable waste generated by residential self-haulers shall be disposed of only in a Town garbage bag as defined herein and deposited only at designated areas within the Town's transfer station.

[2] Commercial self-haulers. Nonrecyclable waste generated by commercial self-haulers may be either:

[a] Disposed of in a Town garbage bag and deposited at designated areas within the Town's transfer station; or

[b] Disposed of at the designated areas within the Town's transfer station upon paying the appropriate charge as set by Town Board resolution for the weight of nonrecyclable waste deposited.

(2) Private residential refuse haulers/carters.

(a) The owners or occupants of all residences within the Town which utilize collection services provided by persons licensed to collect refuse pursuant to the provisions of this article shall place recyclables in separate containers at curbside for collection on such day or days as the licensee serving such residence shall designate.

(b) It shall be unlawful for any person to place out for collection any container in which refuse is mixed with recyclables.

(c) It shall be unlawful for any person to collect refuse from a residence which is mixed with recyclables or thereafter to commingle different types of recyclables or to mix recyclables with refuse.

(d) recyclables collected by private residential refuse haulers/carters and transported to the transfer station shall be deposited in areas designated by appropriate landfill personnel.

(e) Nonrecyclable waste.

[1] The owners or occupants of all residences within the Town which utilize collection services provided by persons licensed to collect refuse pursuant to the provisions of this article shall place nonrecyclable waste in Town garbage bags for collection on such day or days as the licensee serving such residents shall designate.

[2] It shall be unlawful for any person to place out for collection any nonrecyclable waste which is not in a Town garbage bag. It shall be unlawful for any person to collect nonrecyclable waste from a residence which is not in a Town garbage bag.

[3] Nonrecyclable waste in Town garbage bags collected by private residential refuse haulers/carters and transported to the transfer station shall be deposited only in areas designated by appropriate landfill personnel.

[4] The above requirements shall not apply to residences located within the Fishers Island Waste Management District.

(3) Private commercial refuse haulers/carters.

(a) The owners or occupants of all commercial establishments within the Town which utilize collection services provided by a refuse hauler/carter shall place recyclables in separate containers at curbside for collection on such day or days as the licensee serving such business shall designate.

(b) It shall be unlawful for any commercial establishment to place out for collection any container in which refuse is mixed with recyclables.

(c) It shall be unlawful for any commercial establishment to place out for collection any container in which one type of recyclable is mixed with any other type or types of recyclables.

(d) It shall be unlawful for any private commercial refuse hauler/carter to collect refuse from any commercial establishment which is mixed with recyclables or thereafter to commingle different types of recyclables or to mix recyclables with refuse.

(e) recyclables collected by private commercial refuse haulers/carters and transported to the transfer station shall be deposited in areas designated by appropriate personnel.

B. Commercial waste permit requirements.

(1) With the exception of those operating within the Fishers Island Waste Management District, no refuse hauler or carter or agent thereof shall collect, transport or dispose of solid waste and/or recyclables generated within the Town without obtaining a carter's permit issued by the Town Clerk.

(2) All applications for carter permits shall be in writing and shall contain such information as requested by the Town, but at a minimum, such applications shall include a list of all vehicles (including vehicle license numbers the applicant intends to utilize for the collection of solid waste and/or recyclables in the Town). The list shall also describe the cubic yard capacity for each vehicle. All carter permit information shall be verified by the applicant as required by this article and the Town.

(3) Upon receipt of a complete application, the Town Clerk shall refer the application to the solid waste district and the Zoning Inspector for a determination of whether any violations of the law exist. The Town Clerk shall issue the applicant a carter permit so long as the applicant is deemed by the solid waste district and Zoning Inspector to be in compliance with this article and all applicable county and state regulations.

(4) Renewal of carter permits shall be in the same manner and subject to the same conditions as original carter permits, and also shall be subject to any additional requirements in effect at the time of application for renewal as specified by the Town.

(5) Whenever satisfactory proof, such as by means of an affidavit, is submitted to the Town Clerk that a carter permit issued for the purpose set forth in this article has been lost or destroyed, the Town Clerk shall, upon payment of \$5 by the applicant, issue a new carter permit. No carter permit issued pursuant to the provisions of this article shall be transferable.

(6) The carter permit holder hereunder shall, upon request, furnish the Town with a list detailing the number of residences, commercial establishments or other generators of solid waste and/or recyclables located in the Town and serviced by the applicant and the intended location that said solid waste and/or recyclables shall be deposited by the carter. This list shall be prepared at a level of detail satisfactory to the Town Clerk and shall be updated by the carter permit holder at the request of the Town, but not more often than every three months.

(7) The Town, pursuant to § 233-8 of this article, shall have the power to impose a civil penalty or suspend or revoke a carter permit granted or renewed pursuant to this article for any violation of any provision of this article or any applicable rule, regulations, code or ordinance relating to the collection, handling, hauling or disposal of solid waste and/or recyclables.

(8) All collection, transportation and/or disposal of solid waste and/or recyclables shall be in strict conformance with the rules and regulations prescribed in this article and as such rules and regulations may hereafter be amended or supplemented by the Town Board.

(9) All vehicles used in the collection, transportation and/or disposal of solid waste and/or recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. The name of the carter shall be readily visible on all vehicles, and on all containers utilized for the collection of solid waste and/or recyclables generated within the Town.

(10) Any carter permit issued pursuant to this article shall be in the nature of a privilege subject to the terms and conditions set forth in this article and as amended or supplemented by the Town, and shall not be deemed to create a property interest with respect to the carter permit in the holder.

(11) All carter permit requirements specified herein, including, but not limited to, carter permit fees, may be amended or adjusted from time to time by resolution of the Town Board.

#### **§ 233-4. Fees; issuance and duration of permits and licenses.**

**[Added 10-9-1984 by L.L. No. 9-1984; amended 11-29-1988 by L.L. No. 29-1988; 6-20-1989 by L.L. No. 11-1989; 3-13-1990 by L.L. No. 2-1990; 10-23-1993 by L.L. No. 23-1990; 10-23-1990 by L.L. No. 24-1990; 2-5-1991 by L.L. No. 1-1991; 2-26-1991 by L.L. No. 3-1991; 3-26-1991 by L.L. No. 9-1991; 11-24-1992 by L.L. No. 29-1992; 12-8-1992 by L.L. No. 31-1992; 10-5-1993 by L.L. No. 23-1993; 5-3-1994 by L.L. No. 8-1994; 10-18-1994 by L.L. No. 22-1994; 12-13-1994 by L.L. No. 29-1994; 10-17-1995 by L.L. No. 22-1995; 11-24-1998 by L.L. No. 24-1998]**

**A.** The fees for the issuance of permits and/or licenses for vehicles transporting refuse into any transfer station maintained by the Town of Southold shall be in the amounts prescribed by the Town Board, by resolution and as amended from time to time. Permits shall be issued as follows:



(1) Resident disposal permit: for noncommercial vehicles of less than one-ton capacity owned by a resident and/or taxpayer of the Town of Southold and transporting only household refuse, provided that such vehicle displays a valid resident landfill permit issued in accordance with the following:

(a) A resident disposal permit shall be issued by the Town Clerk or a person designated by her to all persons who are qualified residents of the Town of Southold. Persons applying for a resident disposal permit shall be requested to sign an application in affidavit form and submit for inspection the following as proof of residence:

[1] A valid tax receipt stub for the current year for any taxable real property within the Town of Southold assessed in the name of the applicant.

[2] A valid motor vehicle registration in the name of the applicant and to an address located within the Town of Southold or to an address corresponding to the address of a validated tax receipt stub for the current tax year for any taxable real property within the Town of Southold affixed to the application.

[3] Such other proof of residence as is satisfactory to the Town Clerk.

(b) The Town Clerk or a person designated by the Town Clerk shall inspect such application to determine that the applicant is a qualified resident of the Town. Upon approval of the application, a resident disposal permit shall be issued and inscribed with the vehicle license registration number. Such permit shall not be transferred to any other vehicle.

(c) Resident disposal permits for motor vehicles shall be permanently affixed to the left side of the front bumper of such vehicle.

(2) Lessee disposal permit: for noncommercial vehicles of less than one-ton capacity owned by a lessee in the Town of Southold and transporting only household refuse, provided that such vehicle displays a valid lessee landfill permit issued in accordance with the following:

(a) A lessee disposal permit shall be issued by the Town Clerk or a person designated by her to all persons who lease or rent property within the Town of Southold but do not qualify as residents as defined in § 233-4A(1) hereof. Persons applying for a lessee landfill permit shall present an application in affidavit form, signed by the lessee and the owner of the property, setting forth:

[1] The location of the leased or rented property.

[2] The persons occupying the same.

[3] The term of such tenancy.

(b) Upon a determination by the Town Clerk or person designated by her that the applicant is entitled to a lessee disposal permit and upon the payment of the permit fee, such permit shall be issued and inscribed with the vehicle license registration number and shall be affixed to the vehicle in the same manner as provided in § 233-4A(1)(c) hereof.

(3) Guest disposal permit: for noncommercial vehicles of less than one-ton capacity owned by a guest of a resident in the Town of Southold and transporting only household refuse, provided that such vehicle displays a valid guest landfill permit issued in accordance with the following:

(a) A guest disposal permit shall be issued by the Town Clerk or a person designated by the Town Clerk to all persons who are qualified residents of the Town of Southold, as defined in § 233-4A(1) hereof, for use by guests temporarily residing in the dwelling of such resident. A resident applying for a guest landfill disposal permit shall present an application in affidavit form, signed by the applicant, setting forth:

[1] The location of the property to be occupied by the guests.

[2] The names and permanent addresses of the guests.

[3] The length of time of the guest occupancy.

(b) Upon a determination by the Town Clerk or person designated by her that the applicant is entitled to a guest disposal permit and upon the payment of the permit fee, such permit shall be issued and inscribed with the vehicle license registration number and shall be affixed to the vehicle in the same manner as provided in § 233-4A(1)(c) hereof.

(c) The fee for the issuance of a guest disposal permit shall be such fee as shall be prescribed by a resolution of the Southold Town Board.

(4) Commercial permits: for all vehicles engaged in the commercial disposal of any material other than mandated recyclables as defined herein and/or all vehicles with a rated load-carrying capacity of one ton or greater.

(a) A commercial permit shall be issued by the Town Clerk or a person designated by the Town Clerk to commercial businesses qualified to operate within the Town. Persons applying for a commercial permit shall be requested to sign an application in affidavit form.

(b) Upon approval of the application, a commercial permit shall be issued and inscribed with the vehicle license registration number. Such permit shall not be transferred to any other vehicle. Such permit shall be affixed to the vehicle in a spot clearly visible to attendants at the disposal area.

(c) The fees for issuance of commercial disposal permits shall be as prescribed by a resolution of the Southold Town Board.

(5) Single-entry fees: A single-entry fee shall be charged to any residential or commercial vehicle that delivers for disposal nonrecyclable debris generated within the Town and which does not display a valid permit. Single-entry fees shall be in an amount prescribed by a resolution of the Town Board.

B. In addition to the fees established in § 233-4A of this article, there shall be a fee as prescribed by resolution of the Southold Town Board, on loads containing the following:

(1) Brush, landscaping and yard wastes, including but not limited to stumps, branches, shrubs, plants, trees, bushes and grass clippings, but not including leaves and sod.

(2) Construction debris, including but not limited to scrap and waste material discarded as refuse resulting from construction.

(3) Wood, including but not limited to timber, logs, boards and wood as defined herein.

(4) Demolition and construction debris, including but not limited to waste and rubble resulting from remodeling, demolition and extensive repair of structures, waste cement, concrete, masonry work, bricks, tile, sheetrock, plaster, wood, shingles and the like.

(5) Rubbish, including but not limited to furniture, fixtures, appliances, television sets, carpets, awnings, boats and other like objects that are not considered normal everyday household waste.

(6) Commercial and household garbage and rubbish, including but not limited to furniture, fixtures, television sets, appliances, carpets, awnings, boats and other like objects.

C. Issuance and duration of permits and/or licenses. All permits and/or licenses provided for in this article shall be issued by the Town Clerk. Residential permits shall be valid from the date of purchase until December 31 of the following calendar year. Commercial permits shall be valid for two years from the issue date.

**[Amended 8-11-2009 by L.L. No. 9-2009]**

D. Refund of fees. In the event that the Town Clerk has heretofore issued permits for vehicles transporting refuse into the Town landfill site at Cutchogue, and the fees paid therefor exceed the fees provided for herein, the Town Clerk is hereby authorized to refund such excess fees to the holders of such permits and/or licenses.

## § 233-5. Conveyance and transportation of refuse.

**[Amended 7-31-1973 by L.L. No. 1-1973; 3-24-1992 by L.L. No. 9-1992; 7-31-1973 by L.L. No. 1-1973]**



No person shall convey or transport refuse and/or recyclables through the streets or public places of the Town of Southold in any cart, wagon or vehicle or by any other means unless adequate care is taken to prevent the spilling of refuse and/or recyclables in such public places and streets.

#### § 233-6. Transfer station special permit.

**[Added 5-22-2007 by L.L. No. 13-2007 *Editor's Note: This local law also provided for the renumbering of former §§ 233-6 and 233-7 as §§ 233-7 and 233-8, respectively.* ]**

A. A permit application shall be made on the form prescribed by the Town Clerk and accompanied by a fee of \$250. A permit issued pursuant to this section is not transferable and shall run for the same duration as a permit for the same transfer station issued by the New York State Department of Environmental Conservation.

B. No permit shall be granted unless the applicant can produce a valid transfer station operating permit issued by the New York State Department of Environmental Conservation for the proposed site and further demonstrate that the proposed transfer station is consistent with the Town's solid waste management plan. The terms of the permit may be reviewed by the Town Board from time to time to ensure that the operation is consistent with the Town of Southold solid waste management plan.

C. The grant of a permit shall bind the applicant to provide the Town of Southold with the following information on an annual basis:

- (1) Gross tons of mixed solid waste and recyclables received.
- (2) Gross tons of recyclables removed from solid waste delivered.
- (3) Net tons of nonrecyclable solid waste reloaded onto vehicles for disposal.
- (4) Aggregate tonnage of all mixed solid waste and recyclables delivered to the facility, and the origin, by Town, of such tonnage.

D. Prior to the issuance of a permit for a transfer station, an application for site plan approval shall be reviewed by the Planning Board of the Town of Southold. The Planning Board shall review the action under 6 NYCRR Part 617 of the State Environmental Quality Review Act, and such review process shall be complete prior to the issuance of a permit under this section. Failure to comply with the terms of an approved site plan shall constitute grounds for immediate revocation of this permit.

E. No permit shall issue until the applicant has submitted a route plan acceptable to the Town Board designed to indicate that traffic generated by the facility will have a minimal impact on residential streets.

F. The grant and acceptance of this permit shall constitute consent to allow inspection of the premises by the Town of Southold for the purpose of ensuring compliance with the permit. Inspection shall be upon reasonable prior notice to the permit holder.

G. All trucks entering the facility containing materials for transfer must be covered.

H. An emergency response plan acceptable to the Town Board shall be submitted, which may be referred to local emergency responders for comment and input.

I. No permit shall issue until the Town Board has held a public hearing on the application, with at least 10 days' notice provided to the public.

J. The Town Board may approve, approve with conditions, or deny an application for a transfer station permit. The Town Board may impose such conditions or safeguards on the issuance of the transfer station permit to ensure that the proposed operation shall not have an adverse effect on the environment, the character of the area or the general welfare of the Town.

K. Nothing in this section shall exempt an applicant or facility from compliance with zoning or other requirements of the Town Code.

L. No building permit shall be issued until the Town Board and the Planning Board issue approvals.

#### § 233-7. Penalties for offenses.

**[Amended 7-31-1973 by L.L. No. 1-1973; 2-7-1989 by L.L. No. 2-1989; 2-5-1991 by L.L. No. 1-1991]**

A. Illegal dumping. Any person committing an offense of illegal dumping under this chapter shall, upon conviction thereof, be guilty of a violation punishable as follows:

**[Amended 11-21-2006 by L.L. No. 15-2006]**

(1) For a first offense:

- (a) A fine not less than \$1,000 and not more than \$5,000;
- (b) Imprisonment for a term not to exceed 15 days; or
- (c) Community service of 40 hours, to be performed within the Town of Southold.

(2) For a second offense:

- (a) A fine of not less than \$5,000 and not more than \$10,000;
- (b) Imprisonment for a term not to exceed 30 days; or
- (c) Community service of 120 hours, to be performed within the Town of Southold.

B. Recycling offenses and other offenses. Any person committing a recycling offense or any other offense against this article other than an offense of illegal dumping shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for each offense. Any person committing a second and/or subsequent offense within 12 months of the date of the first offense shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$200. Such penalty shall be collectible by and in the name of the Town for each day that such offense shall continue.

C. Any person, firm or corporation who or which does not pay any charge or fee established in this article or who or which violates any provision of this article shall be subject to a fine not in excess of \$250 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed.

**[Added 7-11-1995 by L.L. No. 15-1995]**

D. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

#### § 233-8. Revocation of permit and/or license.

**[Added 5-3-1988 by L.L. No. 12-1988]**

A. Permits and/or licenses issued under the provisions of this article may be revoked by the Town Board of the Town of Southold after notice and hearing for violation of the provisions of this article.

B. Notice of the hearing for revocation of a permit and/or license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee and/or licensee at his last known address at least five days prior to the date set for the hearing. Said hearing shall be conducted in a manner wherein the accused permittee and/or licensee is afforded full due process of the law.

C. At the conclusion of said hearing and as a result of the evidence adduced therein, the Town Board may, in its discretion, revoke the said permit and/or license or, in lieu thereof, suspend the subject permit and/or license for a specified period of time, censure the permittee and/or licensee or impose a fine not to exceed \$2,000.