

## Chapter 215: SOLID WASTE

Article II: Solid Waste Management

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Chapter 215: SOLID WASTE Article II: Solid Waste Management

§ 215-6 Findings; title.

§ 215-7 Definitions.

§ 215-8 Collection and disposal site operation regulations.

§ 215-9 Recycling.

§ 215-10 Penalties for offenses.

§ 215-6 Findings; title.

It is hereby determined that the public order, safety, health and welfare of the Town of Sand Lake requires the reasonable regulation of the manner in which solid waste is managed and disposed of within the Town of Sand Lake. This article shall be known as the "Solid Waste Management Local Law."

§ 215-7 Definitions.

As used in this article, the following words are intended to include and be defined as follows:

**BULK ITEM**

An item of solid waste larger than two feet by two feet by four feet and/or having a weight in excess of 50 pounds.

**CONSTRUCTION AND DEMOLITION DEBRIS**

Solid waste delivered to the solid waste collection and disposal site in aggregate weight in excess of 100 pounds and/or consisting of any combination of wood, lathe, plaster, concrete, cement, bricks, mortar, roofing materials and/or other debris removed in the construction, reconstruction, remodeling, alteration, destruction, razing and/or removal of any residential (or ancillary thereto), agricultural, commercial and/or industrial building.

**HAZARDOUS WASTE**

A waste or combination of waste, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment.

**RECYCLABLES**

Solid waste consisting of newspaper, magazines, telephone books, cardboard, glass, plastic, rubber and/or metal.

**SOLID WASTE**

Materials or substances discharged or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste shall include but is not limited to garbage, rubbish, ashes (excluding incinerator residue), street cleanings, industrial waste, commercial waste and construction and demolition debris.

## **USER PERMIT**

The specific permission by the Town Board or its authorized agent or employee for a person to collect and dispose of solid waste at the solid waste collection and disposal site in accordance with the provisions of this article.

### § 215-8\_Collection and disposal site operation regulations.

#### A.

The Town Board, from time to time, shall by resolution establish the hours of operation of the solid waste collection and disposal site and may, from time to time, by resolution designate certain hours for the collection and disposal of specific items of solid waste.

#### B.

The Town Board, considering the public order, health, safety and welfare of the town may, from time to time, prohibit the collection and disposal of specific items of solid waste at the solid waste collection and disposal site.

#### C.

The Town Board, not less than annually, shall by resolution establish a user permit fee schedule for the privilege of disposing of solid waste at the solid waste collection and disposal site. The user permit shall be in such form as authorized, from time to time, by the Town Board and shall be for a specific period of time. The user permit fee schedule shall provide for distinct classifications, including classifications based upon manner of collection and delivery of the solid waste to the solid waste collection and disposal site, source of generation of the solid waste, type of solid waste and volume of solid waste. The Town Board may, limited to individual user permits for residences occupied by persons over the age of 60, create a user permit classification for senior citizens.

#### D.

The Town Board, from time to time, shall by resolution establish, in addition to and not in lieu of the user permit fee, a schedule of fees and special use permit for the collection and disposal of specific items of solid waste, including a specific fee schedule and special use permit for the collection and disposal of bulk items and for construction and demolition debris and other specific items of solid waste so designated by the Town Board.

#### E.

The Town Clerk or landfill operator of the Town of Sand Lake is designated as the issuing agent for the user permit and the special use permit and for the collection of fees under this article.

#### F.

The solid waste collection and disposal site shall be used exclusively for solid waste originating and collected within the Town of Sand Lake. No person shall collect and dispose of solid waste at the solid waste collection and disposal site originating, collected, accumulated, received, processed or otherwise acquired outside of the Town of Sand Lake.

#### G.

The solid waste collection and disposal site shall not be used for the collection and disposal of any hazardous waste. No person shall collect or dispose of any hazardous waste at the solid waste collection and disposal site.

H.

No person shall collect and dispose of solid waste at the solid waste collection and disposal site without the permission of the Town Board or its duly authorized agent or employee and without first obtaining a user permit from the Town Clerk or landfill operator.

I.

All solid waste collected and disposed of at the solid waste collection and disposal site shall be disposed of in the manner and at the location to be determined by the Town Board or its duly authorized agent or employee.

J.

No person shall collect and dispose of solid waste at the solid waste collection and disposal site, unless in accordance with this article.

K.

The Town Board or its duly authorized agent or employee, upon a determination that any person is violating any provision of this article, in addition to any other remedy or penalty under this article shall be authorized to direct such person violating any provision of this article to immediately cease and desist in the use of the solid waste collection and disposal site and to leave the site.

L.

The solid waste collection and disposal site shall be operated and maintained in accordance with the applicable provisions of the Environmental Conservation Law of the State of New York.

M.

Ownership of solid waste collected and disposed of at the solid waste collection and disposal site in accordance with the provisions of this article shall be vested in the town.

N.

The solid waste collection and disposal site shall be operated in a manner consistent with and encouraging the appropriate recycling of solid waste. The Town Board, from time to time, may by resolution establish procedures for collection, sorting, storage and disposal or recyclable solid waste at the solid waste collection and disposal site and may further enter into such agreements and contracts as it deems appropriate to provide for the collection, sorting, storage and disposal of recyclable solid waste.

§ 215-9\_Recycling.

A.

To the extent practicable, recyclable solid waste shall be separated from all other solid waste collected and disposed of at the solid waste collection and disposal site.

B.

Paper recyclables shall be securely bundled prior to the collection and disposing of the same. Newspaper shall be bundled separately from magazines, telephone books, cardboard or other paper products. Paper recyclables shall be placed in the appropriate container designated for the same.

C.

Glass recyclables shall be clean and all contents and caps shall be removed prior to the collection and disposing of the same. Glass recyclables shall be placed in the appropriate container designated for the same.

D.

Metal recyclables shall be clean and all contents shall be removed and all labels shall be removed prior to the collection and disposing of the same. Metal recyclables shall be placed in the appropriate container designated for the same.

E.

Plastic recyclables shall be clean and all contents shall be removed prior to the collection and disposing of the same and shall be placed in the appropriate container designated for the same.

F.

Recyclables eligible for deposit redemption shall be clean and all contents shall be removed prior to the collection and disposing of the same and shall be placed in the appropriate container designated for the same.

G.

The Town Board, from time to time, by resolution shall determine eligible and required paper, glass, metal and/or plastic recyclables for inclusion in the recycling procedure at the solid waste collection and disposal site.

H.

No person shall collect and dispose of solid waste at the solid waste collection and disposal site which consists of eligible and required paper, glass, metal and/or plastic recyclables combined with other forms of solid waste.

I.

No person shall collect, remove or take recyclables collected and disposed of at the solid waste collection and disposal site, unless specifically granted such permission by the Town Board or its authorized agent or employee.

§ 215-10 Penalties for offenses.

A.

Any person convicted of collecting and disposing of solid waste at the solid waste collection and disposal site without a valid user permit shall be guilty of a violation and punished by a fine of not less the \$50 nor more than \$100. Upon any second or subsequent conviction, the court shall impose a fine of \$250.

B.

Any person convicted of violating any of the provisions of § 215-8 of this article shall be guilty of a violation and be punished by a fine of not less than \$25 nor more than \$250. Upon any second or subsequent conviction, the court shall impose a fine of not less than \$100 nor more than \$250.

C.

Notwithstanding any other provision of this article, any person convicted of violating § **215-8G** of this article shall be guilty of a violation and be punished by a fine of \$250. Each article or item of hazardous waste shall constitute a separate offense under this article.

D.

Notwithstanding any other provision of this article, any person convicted of violating § **215-8K** of this article shall be guilty of a violation and be punished by a fine of not less than \$100 nor more than \$250. Upon any second or subsequent conviction the court shall impose a fine of \$250.

E.

Any person convicted of violating any of the provisions of § **215-9** of this article shall be guilty of a violation and be punished by a fine of \$10 for the first offense; upon a second conviction the court shall impose a fine of \$250; upon a third or subsequent conviction the Court shall impose a fine of not less than \$50 nor more than \$250.

F.

In addition to any other penalty imposed under this article, upon any second or subsequent conviction of violating any of the provisions of this article, the user permit of such person shall be revoked for a period of not less than three months nor more than one year.