

GARBAGE RUBBISH AND REFUSE

Chapter 95

GARBAGE, RUBBISH AND REFUSE

ARTICLE I

Definitions

§ 95-1. **Definitions.**

ARTICLE II

Transfer Station Regulations

§ 95-2. **Site designated.**

§ 95-3. **Vehicles and large articles.**

§ 95-4. **Deposit of garbage and offensive materials restricted.**

§ 95-5. **Restrictions on use.**

§ 95-6. **Collectors of waste materials.**

§ 95-7. **Permit required for use by residents.**

§ 95-8. **Toxic and hazardous materials prohibited.**

§ 95-9. **Accepting waste from neighboring communities.**

§ 95-10. **Places, times and manner of use.**

§ 95-11. **Burning at Transfer Station restricted.**

§ 95-12. **Transportation of waste materials.**

ARTICLE III

General Restrictions

§ 95-13. **Dumping waste; removing materials from Station.**

§ 95-14. **Fees.**

§ 95-15. **Penalties for offenses by waste collectors.**

§ 95-16. **Penalties for offenses.**

§ 95-17. Deposit of tires at Transfer Station.**§ 95-18. Amendment of fees.****§ 95-19. Denial of use of Transfer Station.****§ 95-20. DEFINING AND PROVIDING PENALTIES FOR ILLEGAL DUMPING OF GARBAGE, REFUSE, RUBBISH AND OTHER WASTE ITEMS**

[HISTORY: Adopted by the Town Board of the Town of Ulster 2-26-1976 as L.L. No. 1-1976; amended in its entirety 6-28-1988 by L.L. No. 3-1988; 2-21-1995 by L.L. No. 1-1995. LL No.5-1998 12-18-98 Other amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets - See Ch. 7.

Junkyards - See Ch. 101.

Fees - See Ch. A194.

ARTICLE I

Definitions**§ 95-1. Definitions.**

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

COMPOSTABLES - All materials as defined under NYSDEC Rules and Regulations as being compostable such as leaves, grass clippings, shrub trimmings, ground up clean wood waste and most yard waste [under six (6) feet long and under six (6) inches in diameter].

GARBAGE - Includes waste food, papers, dead animals or parts thereof, and all waste or discarded wood, lumber or vegetable matter of any kind or any other matter which shall be inflammable or capable of fermentation or decay.

PERSON - Includes an individual, society, club, firm, partnership, corporation, municipality or association of persons, and the singular number shall include the plural number.

PERSON OR PERSONS ENGAGED IN THE BUSINESS OF COLLECTING GARBAGE, RUBBISH AND OTHER WASTE MATERIALS - Includes any individual, firm, partnership, corporation, municipality or association of persons engaged in the business of collecting garbage, rubbish and other waste materials for a fee or any other valuable consideration.

RECYCLABLES - All materials as defined under NYSDEC Mandatory Regulations to be recycled such as glass, plastic and metal containers as well as newspapers, junk mail and corrugated cardboard.

RUBBISH - Includes ashes, cinders, pottery and all discarded substances of solid and incombustible in nature that are not considered to be recyclable by the New York State Department of Environmental Conservation.

ARTICLE II Transfer Station Regulations

§ 95-2. Site designated.

The premises owned by the Town of Ulster being in the Town and County of Ulster and State of New York generally bounded on the north by Hudson Valley Mall, on the east by lands of the Ulster County Resource Recovery Agency, on the south by a town road and on the west by lands owned by Florida Samas Ventures, Inc. This is the remainder of a twenty-five-acre parcel following a conveyance to the Ulster County Resource Recovery Agency of the site of the old town landfill.

§ 95-3. Vehicles and large articles.

No person shall carry or leave or cause to be carried or left upon the premises mentioned in § 95-2 of this chapter any automobile, vehicle, machine, trailer or mobile home which is longer than six (6) feet and/or wider than four (4) feet. Other large articles such as appliances must be smaller than above mentioned, and all appliances must be visibly free of coolants and/or PCB's and doors removed to be acceptable.

§ 95-4. Deposit of garbage and offensive materials restricted.

No person shall carry or leave, or cause to be carried or left upon the premises mentioned in § 95-2 of this chapter, any garbage as heretofore defined or any material, waste or offal of any kind which shall give off any offensive odor, either when left upon premises or thereafter, or creates or may thereafter create a nuisance of any kind or which shall be or may become dangerous to human or animal life.

§ 95-5. Restrictions on use.

Only residents and business establishments of the Town of Ulster and contractors who perform a service within the Town of Ulster may use the Transfer Station, provided that a current permit is properly posted on the vehicle.

§ 95-6. Collectors of waste materials.

Persons engaged in the business of collecting garbage for hire must use the facilities operated by the Ulster County Resource Recovery Agency or its successor or assigns. With proper permits, they may bring recyclables to the Transfer Station, provided that there is less than two (2) cubic feet of each material to be deposited.

§ 95-7. Permit required for use by residents.

Residents of the Town of Ulster not in the business of collecting garbage, rubbish and other waste materials for hire, money or any other valuable consideration may apply to the Town of Ulster Town Clerk for a permit for the limited purpose of depositing garbage, rubbish and other waste materials within reasonable amounts, i.e., standard household usage per week, originating from their own homes or property on the premises designated for that purpose.

§ 95-8. Toxic and hazardous materials prohibited.

No person shall under any circumstances carry or leave or cause to be carried or left any toxic or hazardous materials as defined under New York State law, or batteries of any kind. Any violation or deviations will be prosecuted to the fullest extent of the law.

§ 95-9. Accepting waste from neighboring communities.

The Town Board, by a majority plus one (1) vote, may authorize the acceptance of garbage, rubbish and other waste materials from neighboring municipalities at the rates specified in this law in order to alleviate solid waste problems within the communities.

§ 95-10. Places, times and manner of use.

No person shall deposit or cause to be deposited any substance of any kind at the Transfer Station herein designated, except at the places, time and in the manner directed by the person in charge of the premises under authority of the Town Board, whether such direction is given personally or by a sign or signs erected upon the premises by its authority.

§ 95-11. Burning at Transfer Station restricted.

No burning by any person shall be permitted at said Transfer Station, except by an order of the Town Board.

§ 95-12. Transportation of waste materials.

Any and all vehicles used for the collection and transportation of garbage, rubbish and other

waste materials while traveling on the public highways in the Town of Ulster shall be constructed and covered so as to prevent any of the material thereon from falling on the road or blowing from said vehicles. All such vehicles and containers carrying garbage and other waste shall be clearly marked listing the owner's name, address and telephone number.

ARTICLE III General Restrictions

§ 95-13. Dumping waste; removing materials from Station.

- A. No person shall throw or deposit or cause to be thrown or deposited any garbage, rubbish or other waste materials or vehicle parts in or upon any public highway, street or place or in or upon any private property within the Town of Ulster, including his or her own, excepting at the Transfer Station aforesaid pursuant to the regulations hereof by the Town of Ulster or in an enclosed area or in a suitable container prepared for municipal collection.
- B. No person shall remove any material from the site, except upon written permission from the person in charge of the aforementioned Transfer Station.

§ 95-14. Fees.

- A. Applicants engaged in a business located physically in the Town of Ulster upon receiving a permit from the Town Clerk of the Town of Ulster to deposit solid waste, such as refrigerators, stoves, etc., shall pay an annual fee as provided in Chapter A194, Fees, upon obtaining said permit in addition to tipping fees.
- B. Residents of the Town of Ulster not engaged in the business of collecting garbage, rubbish and other waste materials and not engaged in a business in the Town of Ulster whereby bulk refuse, such as refrigerators, stoves, etc., would be deposited, shall obtain an annual permit from the Town of Ulster upon paying an annual fee as provided in Chapter A194, Fees.
- C. Contractors doing work for town residents or town businesses such as construction or renovations shall procure a permit from the Town Clerk and pay a fee as provided in Chapter A194, Fees, plus normal tipping fees. Contractors shall also provide proof of origin. Material to be dumped must originate from the Town of Ulster only.

§ 95-15. Penalties for offenses by waste collectors.

Any person engaged in the business of collecting garbage, rubbish and other waste materials in the Town of Ulster, violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of five thousand dollars

(\$5,000.) for each offense or by imprisonment in jail, not to exceed sixty (60) days, or both.

§ 95-16. Penalties for offenses.

- A. Any person, firm, corporation, etc., doing business in the Town of Ulster, and permitted to deposit solid waste material, such as tires, refrigerators, stoves, etc. violating any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine of two hundred fifty dollars (\$250.) for each offense or by imprisonment in jail, not to exceed fifteen (15) days, or both.

- B. Any person, persons, corporation, partnership or firms violating any provision of this chapter, the penalty for which is not provided for in § 95-15 or § 95-16, shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine of two hundred fifty dollars (\$250.) for each offense or by imprisonment in jail, not to exceed fifteen (15) days, or both.

§ 95-17. Deposit of tires at Transfer Station.

All passenger car tires, small truck tires and large truck tires deposited at the Transfer Station will be charged a fee as provided in Chapter A194, Fees.

§ 95-18. Amendment of fees.

The Town Board, by resolution, may adjust the above mentioned fees, from time to time, without public hearing.

§ 95-19. Denial of use of Transfer Station.

Any person who or whose servants, agents, employees or officers shall be convicted of violation of this chapter may thereafter be denied the use of the Transfer Station either temporarily or permanently by resolution of the Town Board, and their permit shall be subject to revocation or suspension.

§ 95-20. DEFINING AND PROVIDING PENALTIES FOR ILLEGAL DUMPING OF GARBAGE, REFUSE, RUBBISH AND OTHER WASTE ITEMS

The following terms shall have the meanings respectively ascribed:

BULKY WASTE: Large household items such as furniture, mattresses, major appliances, tires, scrap metal items and carpets.

CONSTRUCTION OR DEMOLITION DEBRIS: Remains of major remodeling, construction reconstruction, repair and demolition operations on houses, apartments, pavements and other structures, such as excavated earth, stones, concrete, bricks, plaster, roofing, sheathing, lumber and insulation, as well as rubble from the installation of plumbing, heating and electrical systems.

GARBAGE: Organic waste, such as meat, fat, bones, fish, fruit or vegetable, or any other matter used for food by human beings or used in the preparation, preservation, dressings or cooking thereof.

MAJOR APPLIANCES: Large and/or bulky household appliances (refrigerator, washer, dryer, stove, etc.) Ordinarily operated by gas or electric current.

PLASTIC: All containers made from high-density polyethylene or polyethylene terephthalate (PET), including but not limited to bottles having contained the following products: milk, water, juice, detergent, bleach, antifreeze and soda; or other resins that may be designated as a recyclable material in accordance with the Ulster County local law providing for the mandatory collection and disposition of recyclables in the Town of Ulster.

RECYCLABLE MATERIALS: office paper, cardboard, newspaper, cans, glass and plastic, aluminum products, tires, major appliances and such other materials as may be designated by the Resource Recovery Agency of Ulster County pursuant to the Ulster County local law providing for the mandatory collection and disposition of recyclables in Ulster County.

REFUSE: Building material and any other incombustible matter or material.

RUBBISH: Any paper, plastic, cardboard or other material used to wrap, cover or contain food, other than recyclable material as defined in this section; any other household waste resulting from the use, consumption and preparation of food; small metal household discards; miscellaneous waste material, including rags, drugs, health aids and materials, sweepings, rubber, leather, cloth, clothing, magazines, paper, waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt wood and glass, other than recyclable material and construction and demolition items as defined in this section.

Unlawful depositing of refuse, etc.

No person shall throw or deposit or procure, cause or direct the throwing or depositing, or shall allow or suffer the throwing or depositing, of any garbage, refuse, rubbish, recyclable

material, bulky waste, major appliances, plastic, paper, construction or demolition debris onto, on or upon any property, lot or land, either public or private, or upon or into any creek, river or stream within the Town of Ulster. This Section should not apply to a person who is the legal owner or tenant having possession and control of the premises.

Any person violating the provisions of Section 1.2 shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).