

LOCAL LAW NUMBER 6 OF 2016
A Local Law Pertaining to the Town's Limited Landfill/Compost

BE IT ENACTED that the Town Board of the Town of Urbana, New York does hereby adopt the following Local Law to be added to the Town's Code of Ordinances and numbered Chapter 62 "Landfill Regulations".

Section 1. Purpose: The Town is the owner of a parcel of land identified as Tax Map No. 132.00-01-002.000 located in the Town (Property) which by use and operation the Town has dedicated to the disposal/discard of rubbish, lawn and garden clippings, solid waste and compost materials, by Town residents and Town real property taxpayers. The Town Board hereby finds that to foster the most beneficial use and operation of the Property, it is desirable to establish a local law, rules and regulations to insure the orderly operation of the Property and to prevent actions which are detrimental to the use of the Property.

Section 2. Definitions:

(a) "Solid Waste" means all putrescible and non-putrescible materials or substances, (except as hereinafter stated), that are discarded or rejected as being spent, useless or worthless at the time of such discard or rejection, including but not limited to refuse, commercial waste, ashes, incinerator residue and construction and demolition debris.

(i) "Ash residue" means all the solid residue and any entrained liquids resulting from the combustion of solid waste at a solid waste incinerator, including bottom ash, boiler ash, fly ash, and the solid residue of any air pollution control device used as a solid waste incinerator.

(ii) "Commercial Waste" means solid waste generated by stores, offices, restaurants, warehouses, landscaping, lawn, and tree services and other non-manufacturing activities other than household and industrial waste.

(iii) "Garbage" means putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants, and other places where food is stored, prepared, or served.

(b) "Hazardous Wastes" includes those wastes which may cause serious injury or disease during their normal storage, collection and disposal cycle, and pose a substantial present or potential hazard to human health or the environment, including but not limited to flammable or explosive materials, including gasoline and paint cans, propane and butane bottles

and cylinders, pathological and potentially infectious wastes, radioactive materials, poisons, acids and dangerous chemicals or combination of chemicals. Those items listed as hazardous wastes under rules and regulations of the New York State Department of Environmental Conservation and identified and listed by the U.S. Environmental Protection Agency, as said regulations now exist or are hereinafter amended each of which are incorporated herein by reference. Any exemptions granted to any of the hazardous wastes as above indicated by either the New York State Environmental Conservation Laws, Rules and Regulations and policy or the Federal Resource Conservation and Recovery Act shall still be deemed a hazardous waste under this Section and not exempted.

(c) "Asbestos Waste" for the purpose of this Local Law is friable solid waste that contains more than one percent asbestos by weight and can be crumbled, pulverized, or reduced to powder when dry, by hand pressure. Asbestos waste also includes any asbestos-containing solid waste that is collected in a pollution control device designed to remove asbestos. Such waste is a hazardous waste.

(d) "Compost" means a mixture of decayed or decaying organic matter to be used as a fertilizer. Compost may include organic materials such as leaves; grass clippings, vegetable scraps, and similar plant based matter and may be combined with manure. Compost shall not include meat scraps, bones, dairy products, oils, fats, and cat litter or dog feces.

(e) "Person". Any individual, partnership of any kind, corporation of any kind, limited liability company, association, or joint venture.

(f) "Special Bulky Wastes" includes blocks of masonry in excess of 100 lbs., trees (trunk sections) in excess of 10" in diameter (trees, logs and branches less than 10" in diameter shall not exceed 8' in length).

(g) "Refuse" means anything putrescible or non-putrescible that is discarded other than items prohibited pursuant to Section 3(2) herein below.

(h) "Rubbish" means solid wastes, including but not limited to, combustible and noncombustible materials such as papers, cardboard, bottles, cans, discarded wood, bedding, household goods, furniture, power equipment, toys, bicycles, appliances or parts thereof and similar other materials.

(i) "White goods" shall be household mechanisms including, but not limited to, televisions, air conditioners, refrigerators, washers, dryers, stoves, furniture and other large household items.

Section 3. Use:

(1) No person except a Town resident, a Town real property taxpayer who shall be subject to the provisions set forth in subsection 2 of this Section, or a person authorized in writing by a Town resident or a Town real property taxpayer, shall dispose of any

solid waste or any other materials of any kind whatsoever at the Property.

(2) No person shall discard at the Property any commercial waste, "hazardous wastes", "asbestos wastes", "special bulky wastes", rubbish or "white goods" as those terms are defined herein, or any motor vehicle or parts thereof, tires, or castings/forgings of any kind.

Section 4. Ownership: Upon delivery and disposal/discard of any permitted solid waste to the Property, the ownership of said solid waste shall vest in the Town with no person thereafter (except the Town) having any right, title or interest in and to the solid waste. Notwithstanding the foregoing and even though title passes to the Town, the person owning and/or hauling the solid waste shall be liable for the quality of said waste if it is in violation of this local law or any other federal, state or other governmental agency.

Section 5. Removal: Except as hereinafter authorized, once a person discards any materials at the Property, no person, other than the Town or a person approved by the Town Supervisor, may remove from the Property any such materials whether such materials were discarded by the person delivering the materials or by any other person. A Town resident, a Town real property taxpayer or a person authorized in writing by a Town resident or a Town real property taxpayer at any time when the Property is open for business, may remove compost/mulch and wood chips from the Property for non-commercial use at no cost to the resident or taxpayer. In the course of removing the permitted materials, the Town resident, the Town taxpayer or any other authorized person, assumes all liability for personal and bodily injury and death to oneself and others.

Section 6. Days/Hours of Operation: The Property shall be open for operation twenty-four hours each day, seven days a week. The Town Board, by resolution, may change the days and/or hours of operation. No person other than a person authorized by the Town Supervisor or a law enforcement officer in the course of performing his or her duties shall enter the Property any time the Property is closed for use. In addition to a violation of this local law any unauthorized entity shall constitute criminal trespass.

Section 7. Fees: The Town Board may, from time to time by resolution, establish user fees for the use of the Property.

Section 8. Any failure of any person to comply with the provisions of this Chapter shall be deemed a violation and the person shall be liable for a fine of not more than \$250.00 or imprisonment not to exceed 15 days, or both. The Court may issue a warrant for a person's arrest in the same manner as in a misdemeanor case.

Section 9. This Local Law supersedes any prior local law, rule and regulation pertaining to

the Property and in the event any provision of this local law conflicts with the provisions of any other local law, rule and regulation, the provisions of this local law shall control.

Section 10. This local law shall take effect immediately upon adoption by the Town Board and its filing with the New York State Secretary of State.