

ORDINANCE NO. 3-87 RES# 131-87

AN ORDINANCE TO PROVIDE FOR THE REGULATION
OF AND FEES FOR SOLID WASTE DISPOSAL WITHIN
THE TOWN OF DUANESBURG, COUNTY OF SCHENECTADY,
STATE OF NEW YORK.

BE IT RESOLVED AND ORDAINED by the Town Board of the
Town of Duanesburg, County of Schenectady, State of New York,
as follows:

SECTION I: PURPOSE AND INTENT

The Town Board for the Town of Duanesburg, New York, hereby finds that it is both necessary and in the best interests of the residents of the Town of Duanesburg, New York, to adopt an ordinance providing rules and regulations for the disposal of solid wastes within the Town of Duanesburg, New York, and fees for the same.

SECTION II: DEFINITIONS

GARBAGE- Putrescible solid waste, including animal and vegetable waste, resulting from the handling, storage, sale, preparation, cooking or serving of foods and any other matter capable of fermentation.

HAZARDOUS WASTE-Any solid waste that is considered a hazardous waste using the classification and standards established and promulgated by the New York State Department of Environmental Conservation and/or the Environmental Protection Agency. In the case of a difference in classification, more stringent interpretation will be used.

PERSON- Any individual, firm, partnership, corporation, municipality or association of persons.

SANITARY LANDFILL- A land disposal employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards and the design and operation requirements as promulgated by state and/or federal regulatory agencies.

SOLID WASTE- Any rubbish, garbage, refuse, sludge, building demolition and debris, or any solid, liquid or semi-solid material resulting from industrial, commercial, residential, agricultural or community activities which has served its original intended use and is being discarded.

WASTE COLLECTOR- An individual, firm or corporation engaged in the business of collecting solid waste from residences, businesses or industries and transporting this material to a solid waste disposal site.

SECTION III. APPLICABILITY

Use of Land as Disposal Site Restricted.

(a) This ordinance shall apply to any lands now used or hereafter acquired or leased by said Town for the purpose of disposal of garbage, solid waste and/or use as a sanitary landfill,

(b) Other uses prohibited. The use of any lands, other than those described in Subsection "(a)" hereof, within the Town of Duanesburg, as a disposal site for solid waste, is hereby prohibited, except those sites that have been approved by the New York State Department of Environmental Conservation (DEC) and the Town of Duanesburg, New York.

SECTION IV: GENERAL REGULATIONS

(a) No person, firm or corporation, for the purpose of final disposal thereof, shall throw, deposit or cause to be thrown or deposited any solid waste thereof in or upon any lands within said Town of Duanesburg, except upon the approved solid waste disposal sites as described in Section "III (a)".

(b) No person, firm or corporation shall leave or deposit any form of solid waste of any kind upon any street, avenue, highway, park, or public place within the Town of Duanesburg, New York, except that householders and business places may place garbage and refuse, in proper covered containers, in front of their premises for authorized collection and removal to the public dumping grounds described in Section "III (a)" hereof.

(c) No person, firm or corporation shall, for the purpose of final disposal, throw or cause to be thrown or deposited upon the sanitary landfill area described in Section "(a)" hereof, any waste materials from septic tanks, cesspools or any other sewage disposal. The disposal of any hazardous wastes at the sanitary landfill is hereby prohibited.

(d) It shall be unlawful for solid waste containers which might attract flies and bugs and create a health menace to be left uncovered on any property, and the owner and/or occupant of such property shall be responsible and liable for any violation thereof.

(e) No garbage or other solid waste which contains liquids or can ferment shall be placed in any container with a hole or holes therein.

(f) The Town Board of the Town of Duanesburg, New York, may, by resolution, establish a schedule of charges and/or fees to be levied upon all garbage and refuse collectors, contractors, businesses, commercial enterprises and town residents of Duanesburg, New York, using the sanitary landfill area. Outside municipalities using the Town landfill under contract with the Town of Duanesburg, New York, will be assessed the same charges and fees and be subject to the same rules and regulations as herein designated.

(g) The above-described sanitary landfill area shall be open during the hours set by the Town Board, and posted at the direction of said Town Board. All entry upon and/or use of said sanitary landfill area, at times other than during the hours which it is open, as aforesaid, is hereby prohibited, except for personnel of the Town authorized to enter upon and/or work at the sanitary landfill area during times when said sanitary landfill area is closed.

(h) Waste collectors will not be permitted to dispose of solid waste at the landfill after 3:30 p.m. on those days that the sanitary landfill is open.

SECTION V: TRANSPORTATION

(a) All solid waste transported, brought and/or carried to the disposal site(s) of the Town of Duaneburg, shall be contained securely and battened down within or upon the vehicles transporting same. An open body shall be required to completely cover the solid waste with tarpaulin or other protective enclosing material to prevent any portion or part of solid waste being transported, from falling from the vehicle. The landfill gate attendant is authorized to issue a summons to offenders who violate this section of this ordinance.

(b) All trucks, transporting solid waste, with or without rubbish, shall have watertight metal containers which shall be kept clean when not in use. If solid waste is not in watertight containers, the body of this vehicle itself, must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition, they must be kept as sanitary as the nature of the use permits. The commercial collector vehicles must bear the name of the collector's license number. Each vehicle shall also bear the number of cubic yards it is rated for. A certificate issued from the Highway Department must be filed with permit application showing physical compliance with this ordinance.

SECTION VI: LARGE ARTICLES

No person shall carry or leave or cause to be carried or left upon the premises mentioned in Section "III(a)" of this ordinance, any automobile, vehicle or other large article or any part thereof, unless the same shall have been dismantled and the body thereof so cut and flattened out as to permit the same to be disposed of properly in accordance with the accepted standards of a landfill operation or as approved by the Highway Superintendent or his representative.

SECTION VII: DEPOSIT TO BE BY DIRECTION OF PERSON
IN CHARGE

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

SECTION VIII: BURNING

No material or substance of any kind shall be burned at the Town's solid waste disposal site(s), except by permission of the person in charge.

SECTION IX: RESIDENCE AND BUSINESS PERMITS;
WASTE ORIGINATING OUTSIDE TOWN

(a) All residents and business enterprises located within the Town, whose solid waste material originates within the Town who use their own vehicles or other means of conveying their solid waste to the sanitary landfill, shall register and obtain a permit from the Town Clerk. The annual permit fee charged for businesses using their own vehicles will be the same charge as the rate charged for one (1) disposal at the landfill as specified in Section "XV - Disposal Fees".

(b) The disposal at the Town's solid waste disposal site(s) of any solid waste originating outside boundaries of the Town of Duanesburg is hereby prohibited. The Town may accept solid waste from other municipalities by special contract between municipalities.

(c) Resident permits shall be issued on or before the first day of January of any calendar year and shall be for the period covering January 1 to December 31 of such calendar year.

(d) Permits must be properly affixed to the visor window of the permitted vehicle. The landfill attendant will require proof of identification that the vehicle is properly registered to a resident of Duanesburg.

(e) Business enterprises, not wholly located within the Town of Duanesburg, may be limited on the maximum quantity of solid waste material accepted at the Town's disposal site. The Highway Superintendent can restrict quantities, using as a basis, an equitable method such as percentage of property assessment within the Town relative to total property assessment or some other procedure that would fairly provide for the proper quantities generated within the Town.

SECTION X: WASTE COLLECTOR PERMITS

(a) A permit shall be issued by the Town Clerk to each user of the landfill upon payment by the applicant in accordance with the fee schedule included in section XVb. Every waste collector who collects solid waste within the Town of Duanesburg must obtain a waste collector permit. Rental trucks may be substituted for regularly permitted trucks without fee while the same are out of order for repair, but they must carry the same identification markings as the trucks they replace if they are to be used for more than five (5) days in succession; however, their use must be first reported to the Town Clerk no matter how long they are to be substituted.

(b) Waste collectors shall not collect garbage and/or rubbish on Sundays or such days as the Town Board shall, from time to time, so direct. All waste collectors must unload solid waste only during those times and days established by the Town Board.

(c) All permits shall be issued on or before and be effective as of January first of any year and shall be for the period covering January 1 to December 31 of such calendar year. Previously held permits will be prorated.

(d) In addition to the other requirements of this chapter, all waste collector permit applications shall include or comply with the following:

- (1) A statement shall be furnished of where the refuse will be deposited, if it is intended that a site outside the Town of Duanesburg will be used.
- (2) Applications must be filed six (6) weeks before a permit expires or is to become effective to allow for proper investigation and processing.

- (4) All permit applications shall be investigated by the Highway Superintendent, who will advise the Town Clerk of his findings for further processing and issuance or denial of the permit.
- (5) Permits described in Section "X(a)" are limited to collectors collecting in the Town of Duanesburg exclusively. All other permits are controlled by Section "IX".
- (6) A roster of permittees shall be maintained by the Town Clerk for public inspection.
- (7) A copy of this ordinance shall be given to all collectors when requesting application forms. The application shall state that they have read this ordinance. They shall agree to abide by rules of landfill operation as adopted from time to time by the Town Board consistent with the limitations and purposes of this ordinance.
- (8) Each collector shall file a certificate of a public liability policy of Ten Thousand/Twenty Thousand (10,000/\$20,000) Dollars, and a certificate of his vehicle liability policy with the Town Clerk and shall in his application agree to indemnify any person not to exceed One Thousand (\$1,000) Dollars for any single act of dishonesty in or about such person's place of abode by any of the collector's employees.

(e) The disposal by any waste collector at the sanitary landfill of any solid waste originating outside the Town of Duanesburg is prohibited.

SECTION XI: TEMPORARY PERMITS

A limited use, three-day permit, may be issued for out-of-town businesses doing work within the Town of Duanesburg, subject to verification and approval by the Highway Department. The fee for this temporary permit will be as follows:

- (a) Packers and roll boxes; Twenty (\$20.00) Dollars.
- (b) Pickup trucks and vans;
 - (1) One-half ($\frac{1}{2}$) to three-fourths ($\frac{3}{4}$) ton;
One (\$1.00) Dollar.

- (2) One (1) ton; Five (\$5.00) Dollars
- (3) One and one-half (1½) to five (5) tons;
Ten (\$10.00) Dollars.
- (c) Over Five (5) tons and tandem dump trucks;
Fifteen (\$15.00) Dollars.

SECTION XII: PENALTIES FOR OFFENSES

(a) Any waste collector who violates Section "X(a)" shall be guilty of a misdemeanor and, upon conviction thereof, be punishable by a maximum fine of One thousand (\$1,000.00) Dollars or by imprisonment in the County Jail for a period of six (6) months or by both such fine and imprisonment, and be prohibited from disposing of solid waste at the landfill for one (1) month for the first offense and two (2) months for the second offense, and three (3) offenses automatically bans the waste collector from using the landfill again.

(b) Any violation of this ordinance, other than as provided in Subsection "(a)", by any person shall constitute a misdemeanor and shall be punishable by a maximum fine of One Thousand (\$1,000.00) Dollars or by imprisonment in the County Jail for a period of six (6) months or by both such fine and imprisonment.

SECTION XIII: INSPECTIONS OF TRUCKS AND CARRIERS

The Highway Department of the Town of Duaneburg is charged with the inspection of all trucks and other carriers transporting garbage prior to issuance and renewal or during the period of time that permits are in effect; and also with the enforcement of all the other provisions of this ordinance.

SECTION XIV: REVOCATION OF PERMIT

In addition to the penalties hereinbefore provided for, the Town Board may, after a public hearing thereon, at which the licensee or special permittee shall have an opportunity to be heard, revoke any permit issued under authority of this ordinance to any applicant whom the Town Board shall determine to be an undesirable person, or incapable of or unwilling to comply with the provisions of this ordinance.

SECTION XV: DISPOSAL FEES; ADDITIONAL CHARGES FOR CERTAIN LOADS; BILLING; DELINQUENT PAYMENTS

(a) All waste collectors collecting garbage and refuse shall pay the following actual dumping fees for loads actually dumped in addition to all other fees and license charges provided for in this ordinance;

- (1) Cars; \$1.00 for each separate load dumped.
 - (2) All common packers, roll-off packers, roll-off boxes, pickup trucks, vans, trailers, single-axle dump rack and enclosed racks, tandem-axle dump and/or all other types of trucks; Three (\$3.50) Dollars per yard, based on rated truck or measured box capacity for each separate load dumped, except for tires, stumps, and debris from building demolition which shall be charged two (2) times the regular charge for each said separate vehicle or trailer load dumped.
- (b) Annual permit fees. The annual permit fees shall be as follows:

<u>Collection Vehicle</u>	<u>Fee</u>
Cars	Free
3/4-ton trucks, vans, & box trailers	\$1.00
1-ton trucks & vans	\$2.00
1 1/2-ton trucks	\$3.00
2-ton trucks	\$4.00
2 1/2-ton, 5-ton trucks	\$7.00
Trucks over 5-tons	\$25.00

- (c) Any object over five (5) feet in length may be refused admission if, in the opinion of the landfill attendant in charge, the object would obstruct proper functioning of the landfill.
- (d) Drivers of all commercial collector's vehicles shall sign an appropriate charge sheet upon each admittance showing the charge incurred, and the waste collectors shall be billed on a regular periodic basis not less frequently than monthly. Charges shall be payable within ten (10) days of billing, and collectors who do not pay within said period, will be charged a penalty of one and one-half (1 1/2) percent per month on the unpaid balance and shall be barred from further use of the dumping facility until their bills are paid. Repeated delinquency shall be grounds for cancellation of collector's permit.

SECTION XVI: AUTHORITY

This ordinance is enacted pursuant to Section 130 of the Town Law of the State of New York.

SECTION XVII: HOURS

The Town Board shall amend landfill hours as needed.

SECTION XVII: CONSTITUTIONALITY

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION XVIII: EFFECTIVE DATE

This ordinance shall take effect in accordance with Section 133 of the Town Law for the State of New York.

Dated: July 1, 1987.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF QUANESBURG,
COUNTY OF SCHENECTADY, STATE OF NEW YORK.

Ester L. Vincent
Town Clerk

Hearings, June 30, 1987 cont.

Ruth Easton, Route 20 discussed the fees with the Board. Armand Hebert, Hillman Road said the Building Inspector should not get more fees. He is on a salary ..why should the fees be raised?

This was tabled until the July Meeting.

Meeting adjourned at 9:15 P.M.

Esther L. Vincent
Town Clerk

Public Hearing, Solid waste fees & Disposal Ordinance, July 1, 1987

Hearing opened at 7:45 P.M.

Present were Supervisor Park, Councilman Mann, Councilman Halse, Councilmember Darrell.

Supervisor Park read the legal notice of public hearing.

Gordon Reid, Route 7 asked why this ordinance is necessary. Councilman Halse explained his reasons to Mr. Reid. He said the added revenues will go toward the Landfill closing.

Omer Marttatt, Route 20 asked if we adopt the Ordinance will we need additional help? He saw a truck go into the landfill from Esperance.

Wayne Coon, R.D. Delanson asked how we are going to enforce this Ordinance? Residents will have to present a tax bill or a rent receipt.

Omer Marttatt, Route 20 says he has four cars. Does he need a permit for each one? Ruth Easton, Route 20 asked about section 9, paragraph E and thought the wording should be changed; asked how one person can handle the landfill.

Bill Clark, Mariaville asked if the Landfill could stay open until 3 P.M. instead of closing at 2:30 P.M. during July and August.

Hearing was closed at 8:20 P.M.

Special meeting was opened at 8:20 P.M.

Resolution # 131-87 Councilman Halse moved and 2nd by Councilman Mann to adopt Ordinance # 3-87, entitled: "AN ORDINANCE TO PROVIDE FOR THE REGULATION OF AND FEES FOR SOLID WASTE DISPOSAL WITHIN THE TOWN OF DUANESBURG, COUNTY OF SCHUY, STATE OF NEW YORK", to take effect as of August 1, 1987. Adopted 4 Ayes, Halse, Mann, Darrell, Park.
A complete copy of Ordinance is attached to minutes.

Councilman Mann moved to adjourn.

Meeting adjourned at 8:25 P.M.

Esther L. Vincent
Town Clerk