

## **Chapter 109**

### **SOLID WASTE**

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

#### **ARTICLE I**

##### **Dumping and Litter Control**

**[Adopted 9-10-1991 by L.L. No. 2-1991]**

##### **§ 109-1. Findings.**

This article is enacted in recognition that a clean and attractive environment is an important right of the residents of the Town of Conklin. The intent of this article is to promote the safety and health of the residents of the town by controlling the dumping of garbage, rubbish and other offensive materials in the Town of Conklin.

##### **§ 109-2. Definitions.**

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

**GARBAGE** — Includes but is not limited to waste food products, papers, household items and other discarded waste capable of fermentation or decay. "Garbage" does not include decaying food or paper products which are being composted in a nuisance-free manner.

**LITTER** — Includes but is not limited to garbage, rubbish, sludge, plastics, Styrofoam, tires and other discarded wastes capable or incapable of fermentation or decay.

**PERSON** — Includes any individual, business, corporation, club or firm.

**PRIVATE PREMISES** — Any private dwelling, house or building, occupied or unoccupied, including any yards, grounds or land belonging to that private dwelling, house or building.

**PUBLIC PLACE** — Any publicly owned street, sidewalk, avenue, boulevard, alley or right-of-way and any public park, property or building.

**PUBLIC RECEPTACLE** — A litter storage container which is durable and is labeled to be used for the depositing of litter and garbage that is generated at a public place.

**RUBBISH** — Includes but is not limited to tires, solid or liquid wastes, combustible and/or noncombustible garbage, litter, paper, tin, ashes, cans, grass, plaster, aluminum, roofing materials, cardboard, leaves, crockery, pottery, cinders and any other discarded substances or items.

**SLUDGE** — Solids removed during the treatment of domestic or sanitary sewage or industrial wastewaters.

**TOXIC MATERIALS** — A material listed or defined as hazardous by the New York State

Department of Environmental Conservation or the United States Environmental Protection Agency.

**§ 109-3. Dumping and littering prohibition.**

The dumping, depositing or discharging of garbage, litter, rubbish, sludge or toxic materials on any public or private property in the Town of Conklin is prohibited.

**§ 109-4. Temporary storage of garbage and rubbish.**

Garbage and rubbish which is awaiting collection and removal is to be stored on a property only for a temporary period of time, not to exceed 14 days. All such garbage and rubbish which is awaiting collection and disposal shall be stored in a durable container. All such storage shall be done so as to prevent offensive odors, infestation of pests and scattering of the stored materials.

**§ 109-5. Public receptacles.**

Garbage, litter and rubbish which is generated at a public place shall be disposed of in an authorized public receptacle. No person shall use a public receptacle for the disposal of garbage, litter or rubbish if it is not generated at that public place.

**§ 109-6. Owner to maintain premises free of litter.**

The owner and person in control of any private property shall maintain the premises free of litter, garbage and rubbish; provided, however, that:

- A. Such items may be collected in authorized private receptacles as provided in § 109-4.
- B. Grass cuttings, leaves, decaying foods and other inoffensive materials may be stored in heaps or piles to compost for use on the premises, provided that such storage causes no odors or other nuisances.

**§ 109-7. Vehicle requirements.**

Every vehicle used for the collection of garbage, rubbish and litter shall have an enclosed body or suitable provision for containment of all material being transported.

**§ 109-8. Penalties for offense.**

- A. A violation of this article is punishable by a fine of not more than \$250 and/or imprisonment for not more than 15 days.<sup>1</sup>
- B. The provisions of this section shall be in addition to and shall not preclude the enforcement of this article through injunctive powers or other lawful means which may apply.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).