



Local Law #1 of 2011, Titled: Use of Town of Denning Transfer Station and Recycling Center which replaces Local Ordinance Titled:
Use of Town Dumpster and Waste Materials of 1986.

Be it enacted by the Town Board of Denning as follows:

100: Title

Local Law #1 of 2011, Titled: Use of Town of Denning Transfer Station and Recycling Center which replaces Local Ordinance Titled:
Use of Town Dumpster and Waste Materials of 1986.

101: Definitions

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

GARBAGE – Solid waste, including animal 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 place where food is stored, prepared or served.

PERSON - Any individual, public or private corporation, political subdivision, government agency, department or bureau of state, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity.

RUBBISH - Trash and litter, whether or not combustible, consisting of but not limited to paper and paper products, wood and wood products and glass and glue products. However, "rubbish" shall not include dirt, rock, concrete, grass, leaves, yard trimmings, tree stumps, tree limbs and automobile tires.

METAL –Metals and mostly metal products including steel, tin and aluminum products are to be deposited in the container specified “metal only”.

PAPER AND CARDBOARD – Clean and dry paper and paper products, newspaper, magazines, cardboard boxes, and waste mail are to be placed in the container specified. Boxes are to be flattened before going into the container provided.

HOUSEHOLD RECYCLABLES – Glass bottles and jars, plastic milk jugs, laundry detergent bottles, clear soda and water bottles, plastic tubs and lids (ex. yogurt, sour cream, margarine, hummus) and other plastic products bearing the nos. 1, 2, 4 5, or 7 within the universal recycling symbol are to be placed in this specified container. They should be rinsed out at home before deposited.

102: Permit Required

- A. No person shall deposit or cause to be deposited any substance of any kind in the Town-provided dumpster except pursuant to a permit obtained from the Transfer Station Manager

as herein provided. Any Town of Denning property owner may apply for and be granted a permit for his/her own use and for the use of his/her agents designated therein. A separate permit shall be required and shall be obtained for each property and for each separate household or residence or other use contained therein.

- B. No permit issued shall be transferred or transferable.
- C. An annual fee, if established from time to time by resolution of the Town Board, shall be charged for each permit.

103: Use Restrictions

- A. It shall be unlawful for any person to deposit or own to be deposited any substance of any kind in the town provided dumpster unless permitted to do so as provided herein.
- B. It shall be unlawful for any person to deposit or leave any material of any kind at the Town of Denning Transfer Station and Recycling Center that did not originate within the geographic limits of the Town of Denning.
- C. It shall be unlawful for any person to deposit or cause to be deposited any substance of any kind on town property except the town provided dumpsters, and only during posted hours of operation.
- D. It shall be unlawful for any person engaged in the business of collecting garbage or rubbish to deposit or cause to be deposited any substance of any kind in the town provided dumpster other than his or her own personal garbage or rubbish.
- E. It shall be unlawful for any person to deposit or cause to be deposited any substance of any kind other than those specified, in definitions above, at the Town of Denning Transfer Station and Recycling Center.

104: Penalties for Offenses

Any person, firm or corporation who shall violate any of the provisions of this Law shall, upon conviction thereof, be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.

Waste Materials

105: Findings of Fact

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Denning and the safeguarding of their material rights against unwarrantable invasion of waste materials and for the protection of public health, and in addition, such an environment is deemed essential to the maintenance, development and the economy of the town and the general welfare of its citizens. It is further declared that the establishment or operation of sanitary and industrial waste disposal areas or similar land uses is a hazard to such health, safety and welfare of the citizens of the town

necessitating the elimination thereof. Sanitary and industrial waste dumped upon the soil emits obnoxious odors and fumes and is an unsanitary and unhealthy condition. By the adoption of this law, the Town Board of the Town of Denning declares its intent to regulate in a manner consistent with the interest of the citizens of the Town of Denning the dumping of sanitary and industrial waste and similar waste materials on the lands within the town. These conditions can adversely affect the development of the town unless they are properly and carefully regulated. Therefore, recognizing the above and the need of the community for an adequate and well-regulated procedure for regulations in the exercise of its police power in these regards, be it enacted by the Town Board of the Town of Denning as follows:

106: Application

This shall apply to dumping upon all lands, public or private, within the Town of Denning.

107: Definitions

The following terms shall have the meanings indicated:

GARBAGE - 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.

INDUSTRIAL WASTE - Includes process wastes from manufacturing, commercial or industrial processes.

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

RESIDENT - Persons having their domicile within the limits of the said Town of Denning, Ulster County, New York.

SANITARY WASTE - Includes sewage containing human or household wastes.

108: Use of land for dumping prohibited

The use of private or public lands within the Town of Denning as a sanitary landfill site, sanitary or industrial waste disposal area, is hereby prohibited.

109: Materials originating outside town

The use of any lands within the Town of Denning as a dump, dumping ground storage or disposal facility for any refuse, garbage, sanitary or industrial waste, waste papers, rags, scraps of any kind or description or any discarded material commonly termed "junk" or "trash," where such items originate from outside the Town of Denning, is hereby prohibited.

110: Removal and transportation of material

No person shall remove or transport or permit the removal or transportation of any waste material within the Town of Denning except in such manner or by such conveyance as will prevent the creation of nuisance or the loss or discharge of such material in any public place, except as otherwise provided herein. All such material shall be so handled and covered so it cannot escape or be accessible to rodents, flies or other insects or create a nuisance.

111: Penalties for offenses

Any person who commits, causes or permits any acts in violation of any of the provisions of this Law shall be guilty of an offense and upon conviction shall be subject to a fine of not more than two hundred fifty dollars (\$250) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment.

112: Civil remedy

In addition to the penalties provided, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Law.

113: Operation of town dump permitted

This Law shall not prohibit the establishment by the Town Board of a public dump or a refuse disposal area owned and operated by the town from time to time. No lands, other than the lands of a public dump, shall be used as a garbage, industrial or sanitary waste dumping ground, refuse disposal area or a landfill site in said town.

114: Effect on other regulations

All laws or regulations heretofore adopted in relation to dumping in the Town of Denning are still in force unless inconsistent with the Law, which shall prevail in the event of inconsistencies.