

Chapter 77

DUMPS AND DUMPING

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 98. Zoning — See Ch. 161.

Solid waste disposal — See Ch. 138.

ARTICLE I
Landfill Regulations
[Adopted 7-6-1971 by L.L. No. 3-1971]

§ 77-1. Declaration of intent.

By the adoption of this Article, the Town Board of the Town of Waterford declares its intent to regulate, in a manner consistent with the interests of the citizens of the Town of Waterford, the dumping of garbage, rubbish, refuse and waste material on lands within the town. Garbage is a deleterious substance. Unattended, garbage dumps emit noxious odors and fumes, attract rodents and vermin and become breeding places therefor. The process of burning garbage causes smoke and oxidized garbage to be given off into the air which the community breathes. All of these conditions can adversely affect the development of the town unless they are properly and carefully regulated. Therefore, recognizing the above and the need for adequate regulation of these hazards, and in the exercise of its police power in this regard, the Town Board of the Town of Waterford does hereby enact this Article.

§ 77-2. Applicability.

This Article shall apply to dumping upon all lands, public or private, within the Town of Waterford, and, also, it shall apply to all persons. Such term "persons" shall include all individuals, firms, partnerships, corporations, municipalities or municipal corporations and associations of persons.

§ 77-3. Definitions. [Added 9-1-1987 by L.L. No. 3-1987]

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

GARBAGE — Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce; and all waste or discarded animal or vegetable matter capable of fermentation or decay.

LANDFILL — Land on which garbage, rubbish or refuse is disposed of without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical volume by employing suitable power equipment and covering with a layer of compacted earth or other suitable cover material.

REFUSE — All waste substances, including but not limited to the following: garbage; combustible rubbish, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible rubbish, including but not limited to metals, tin cans, metal furniture, discarded or partially or wholly dismantled used motor vehicles, glass, crockery and other mineral waste and solid and semi-solid wastes resulting from industrial processes and manufacturing

operations; provided, however, that the term "refuse" does not include any unprocessed earth, stone or minerals.

RUBBISH — Combustible material, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding, and noncombustible material, including but not limited to metals, tin cans, metal furniture, discarded or partially or totally dismantled used motor vehicles, glass, crockery and other mineral waste.

§ 77-4. Use of land as landfill; permit required for landfills.¹

- A. Except as provided in Chapter 98, Garbage, Rubbish and Refuse, no person, as above defined, shall use any land within the Town of Waterford as a landfill, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on said lands any waste materials or waste substances, such as bottles, cans, garbage, refuse, trash, rubbish, litter or any nauseous, noxious or offensive matter, or dispose or attempt to dispose of any such materials, substance or matter by burying or incinerating or disposing or attempting to dispose of such matter in any manner upon any such lands.
- B. No person shall use land as a landfill in the Town of Waterford unless a permit is first obtained pursuant to state law.

§ 77-5. Permit required for landfill improvements; fill requirements.

- A. A permit, to be issued by the Building Official, will be required for landfill improvements within the Town of Waterford for areas in excess of 1,000 cubic feet.
- B. In all areas, a minimum of 60% nonorganic materials will be required for fill. All areas shall be covered with one foot of 100% nonorganic materials within 30 days after a permit is issued.

§ 77-6. Effect of other provisions.²

Sanitary landfill areas will be governed by Chapter 138, Solid Waste Disposal and not regulated by this chapter.

§ 77-7. Industrial waste disposal.³

Industrial waste disposal will be allowed only as permitted by state, county and federal standards.

§ 77-8. Penalties for offenses.

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

3. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- A. Any person who commits or permits any act or acts in violation of any of the provisions of this chapter shall be deemed to have committed a violation and shall be liable for any such violation or the penalty therefor. Every day such violation shall continue or shall be permitted to exist shall constitute a separate additional violation of this chapter.
- B. Any person, as herein defined, violating any of the provisions of this chapter, upon conviction therefor, shall be punished by a fine not exceeding \$250 in amount or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.⁴
- C. In addition to the above-described penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town of Waterford in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

4. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE II
Dumping of Solid or Liquid Waste
[Adopted 5-3-1988 by L.L. No. 1-1988]

§ 77-9. Legislative intent.

By the adoption of this Article, the Town Board of the Town of Waterford declares its intent to regulate, control and prohibit the dumping, storing or placing of certain kinds of solid or liquid waste material originating from inside or outside the boundaries of the Town of Waterford or creating a dump or dumping ground of such materials within the town. This Article is enacted by the Town Board of the Town of Waterford in the exercise of its police power and pursuant to § 130, Subdivisions 6 and 15, of the Town Law of the State of New York.

§ 77-10. Definitions.

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

DUMP or DUMPING GROUNDS — Includes any place used for the disposal and leaving of solid or liquid waste material by the public or any person.

PERSON — Includes any individual, firm, partnership, corporation, municipality or association of persons.

SOLID OR LIQUID WASTE MATERIAL — Includes all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanings, demolition and construction debris, abandoned vehicles, offal, commercial, hospital and industrial wastes and hazardous and toxic wastes.

§ 77-11. Prohibitions.

- A. The dumping, storing or placing of any kind of solid or liquid waste materials within the Town of Waterford which is picked up, brought or transported from inside or outside the Town of Waterford is hereby prohibited.
- B. The creation, maintenance and/or operation of dumps or dumping grounds within the Town of Waterford of solid or liquid waste material coming from inside or outside the boundaries of the Town of Waterford other than by the Town of Waterford is hereby prohibited.

§ 77-12. Exceptions.

Nothing herein contained shall be deemed to prohibit any person from disposing of solid or liquid waste material on property upon which such solid or liquid waste material is produced, provided that such person has obtained all necessary permits and approval from all appropriate governmental and quasi-governmental agencies. The Town Board of the Town of Waterford reserves the right to allow additional exceptions from

time to time in situations where solid or liquid waste material cannot for any reason be disposed of on the property upon which the solid or liquid waste material has been produced.

§ 77-13. Penalties for offenses.

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not exceeding \$1,000 for each offense or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. The Town Board shall also have the power to bring a civil action to restrain any violation of this Article in a court of competent jurisdiction. When a violation of this Article is continuous, each 24 hours thereof shall constitute a separate and distinct offense.