

## Chapter 236: SOLID WASTE

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

### GENERAL REFERENCES

Keeping swine — See Ch. 120, Art. I.

Parks and recreation — See Ch. 212.

Sewers — See Ch. 225.

Water — See Ch. 272

Subdivision of land — See Ch. 247.

Zoning — See Ch. 280.

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ARTICLE I Collection and Disposal [Adopted 10-2-1990 by L.L. No. 9-1990 (Subpart 5, Div. 1, of the 1974 Code)]

#### § 236-1. Legislative intent.

The Town Board of the Town of Guilderland, by enacting this article, hereby declares its intent and purpose to be the protection of the general health, safety and welfare of the residents of the Town of Guilderland and the protection of the public and private water supplies and water resources of the Town by regulating the disposal of garbage and rubbish within the Town and to prohibit the storage or disposal of industrial hazardous wastes. The Town Board also recognizes that sanitary and construction landfills are being filled at an unprecedented rate. In order to preserve such landfills, it is necessary to institute and enforce a solid waste **recycling** program. Editor's Note: The list of items to be separated and recycled in accordance with New York State **recycling** laws, including landfill hours and fees, is on file in the Town offices.

#### § 236-2. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

**GARBAGE** — Waste animal or vegetable matter from homes, institutions, restaurants, hotel or motel kitchens and vegetable markets or fruit markets, offal from abattoirs and packing houses, dead animals or parts thereof, and any other matter which shall be capable of putrefaction.

**REFUSE-COLLECTING ACTIVITIES** — The loading or unloading of refuse-collecting vehicles. [Added 2-25-1997 by L.L. No. 4-1997; amended 8-19-1997 by L.L. No. 10-1997]

**REFUSE-COLLECTING VEHICLE** — Any motor vehicle designed to compact and/or transport refuse. [Added 2-25-1997 by L.L. No. 4-1997; amended 8-19-1997 by L.L. No. 10-1997]

**RESIDENTIAL DISTRICT** — Any district defined in Chapter 280, Zoning, as a residential district; including but not limited to Single-Family Residential Districts, R-40, R-30, R-20, R-15, R-10, R-7.5, Multiple Residence District, Townhouse Dwelling District, Planned Unit Development District and Mobile Dwelling District. [Added 2-25-1997 by L.L. No. 4-1997; amended 8-19-1997 by L.L. No. 10-1997]

**RUBBISH** — Includes any one or more of the following: garbage, trash, tin cans, ashes, cinders, glass, discarded paper, cardboard, wood, brush, lumber, discarded solids or liquids, used or waste material of any kind or other material or substances intended to be disposed of.

§ 236-3. Unlawful disposal.

No person shall use any of the lands within the Town as a dump or dumping grounds, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on such lands any rubbish or garbage or attempt to dispose of such rubbish or garbage by burying it on such lands or burning or incinerating it on such lands except as otherwise provided in this article.

§ 236-4. Accumulation and storage.

No rubbish or garbage shall be accumulated or stored on any premises within the Town, other than premises established or provided as public dumping grounds under this article, except as follows:

- A. No person shall allow the accumulation or storage of rubbish or garbage upon any premises of which he is the owner, lessee or occupant unless the garbage or rubbish shall be kept in suitable and sufficient receptacles for receiving and containing such garbage and rubbish that may accumulate or be used upon the premises. No receptacle shall be kept near any public place longer than may be reasonably necessary for the removal of the contents thereof.
- B. No person shall allow the accumulation and storage of rubbish or garbage upon premises of which he is the owner, lessee or occupant except for the purpose of being collected.
- C. No garbage or mixed rubbish and garbage shall be burned on any premises in an open fire.

- D. No liquid waste shall be deposited on the grounds surface, allowed to enter into surface waters or be buried within the Town of Guilderland. No garbage or rubbish shall be buried on any premises within the Town other than at a sanitary or construction and demolition landfill maintained by the Town. The owner of premises within the Town may apply to the Zoning Board of Appeals or Planning Board for a permit to bury on-site derived solid construction and demolition waste materials consisting of wood, timber, stumps, concrete, mortar or clay material, provided that the applicant:
- (1) Files with said Board a map depicting and detailing the specific location of the burial site.
  - (2) Files a landfill management plan and a detailed landscaping plan showing all final contours of the disturbed area and demonstrates that the area will be covered with a minimum of six inches of topsoil and a turf grass and/or other suitable landscape erosion control system.
  - (3) Installs vents as required by the Town-designated engineer to prevent the accumulation of methane and other noxious gases.
  - (4) Demonstrates and ensures that the site area will not interfere with any erosion control or storm drainage system.
  - (5) Makes a deposit, as required by the reviewing board or engineer, of a sum of money into a Town-maintained escrow account to ensure that all restoration work to the site is completed in a satisfactory manner.
  - (6) Provides proof of notification of the New York State Department of Environmental Conservation Region 4 office of the landfill operation and site.
  - (7) Shall not place or locate any building or structure, either wholly or partially, on any burial site, nor shall the burial site encroach upon Town or other public easement areas. In addition, the owner shall file an as-built drawing with the Town Clerk and Building Department depicting the exact location of said burial site.
- E. No person shall throw, dump, deposit or place in their rubbish or garbage for collection, nor shall any person throw, dump, deposit or place in any sanitary landfill or transfer facility, any item or items designated by the Town Board by resolution as recyclable.
- F. Any recyclable item or items shall be separated and segregated from garbage, rubbish and refuse and placed in proper containers for **recycling** and deposit at a municipal landfill or transfer facility.
- G. Commercial haulers shall keep separate and segregate from garbage, rubbish and refuse any and all recyclable item or items left for collection pursuant to Subsection E and F of this section and properly deposit such item or items at a municipal landfill or transfer facility for **recycling**.

§ 236-5. Manner of collecting and disposing of refuse.

- A. Rubbish and garbage shall be collected in vehicles properly and adequately equipped to contain and carry the materials collected without effluent therefrom spilling into public streets, highways or other places.
- B. No rubbish or garbage collected within the Town shall be delivered, dumped or offered for disposal on any land or at any location, site or area in the Town or on any land or at any location, site or area outside of the Town except upon premises established, operated or maintained by the Town as a public dump, subject to all rules, regulations and restrictions governing the use of such premises as are herein prescribed, and upon premises the use of which has been authorized for sanitary landfill dumping under this article.
- C. Notwithstanding the provisions of Subsection B of this section, garbage collected subject to this article may be delivered for consumption by swine, to swine or hog farms operating under permits duly issued by the Town under this Code, or to such other premises for consumption by swine as the Town Board may approve. Garbage shall not be delivered to, dumped or offered for disposal at swine or hog farms in quantities greater than that which can be promptly consumed by such swine.
- D. It shall be unlawful for any person to operate a refuse-collecting vehicle for the purpose of refuse or rubbish collecting activities in a residential district or within 500 feet of a residential district within the Town of Guilderland during the hours of 7:00 p.m. to 7:00 a.m. daily. [Added 2-25-1997 by L.L. No. 4-1997; amended 8-19-1997 by L.L. No. 10-1997]

§ 236-6. Rules and regulations for Town facilities.

- A. Persons who may use Town facilities. No person not a resident of the Town shall deposit or cause to be deposited any substance of any kind on premises established as a public landfill or transfer station of the Town, operated and maintained by the Town, except as the nonresident may be licensed as provided in this article. Identification insignia may be issued by the Town Clerk to all residents of the Town desiring to use the dump, and the person in charge of the dump may deny the use of said premises to any person failing to exhibit such identification.
- B. Materials originating out of the Town. No person shall deposit or cause to be deposited on premises established as a public landfill of the Town and operated and maintained by the Town as such any rubbish, garbage or substance of any kind which originated or was collected from outside of the Town.
- C. Manner of disposal generally. No person shall deposit or cause to be deposited any garbage, rubbish or substance of any kind on premises established as a public landfill of the Town and operated and maintained by the Town as such, except at the places and in the manner directed by the person in charge of the premises under the authority of the Town Board, if such person is so designated, or by a sign or signs erected upon the premises by the authority of the Town Board.

- D. Machinery. No automobile, vehicle, machine, appliance or other article shall be dumped upon any premises operated and maintained by the Town as a public sanitary landfill unless it shall have been dismantled and the body cut and flattened out so as to permit it to be disposed of in accordance with standards of landfill dumping as prescribed by Section 19.2(a)(4) of the State Sanitary Code.
- E. Burning. No person shall burn or cause to be burned at Town sanitary landfill premises any garbage, rubbish or any substance of any kind except by permission and under the direction of the person in charge of such premises under the authority of the Town Board.
- F. Trees; sewage. No person shall deposit or cause to be deposited upon Town sanitary landfill premises any trees or logs having a diameter in excess of four inches unless the trees or logs shall be cut into lengths of not more than four feet, nor shall any person deposit or cause to be deposited upon such premises the contents of any sewage disposal facility or the contents of any septic tank or any septic tank effluence.
- G. Scavenging. No person shall scavenge or otherwise collect material or substances of any kind from Town sanitary landfill premises for his own use or for any other disposition thereof.
- H. Hours of use. The Town Board may from time to time fix and establish hours of use of Town sanitary landfill premises and shall cause the same to be conspicuously posted upon said premises. No person shall deposit or cause to be deposited any substance of any kind on Town sanitary landfill premises at any time or times other than during the hours so prescribed.
- I. Fees or charges. The Town Board may from time to time fix and establish a schedule of fees  
Editor's Note: See Ch. A285, Fees. or other charges for the use of the Town sanitary landfill premises, and the charges shall be collected by the Town Clerk.

#### § 236-7. License required for commercial use.

No person engaged in the business, trade or occupation of collecting for hire garbage or rubbish for disposal or engaged in the business of tree surgery, tree planting or tree or brush removal, either principally or incidentally to the conduct of any other trade or business, or engaged in the business of the construction or demolition of buildings or other structures or engaged in any industrial activity, shall deposit or cause to be deposited, upon premises operated as a public sanitary landfill by the Town, rubbish or garbage generated or produced as a result of or in connection with such business activity unless such person has been licensed as provided in this article.

#### § 236-8. Application for license. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Each applicant for a license required by this article shall make an application therefor, in writing, executed under oath, to be furnished to the Town Clerk, which application shall set forth the following information: The residence, age and address of the applicant if an individual and, if a corporation, partnership or association, the names and addresses of the officers thereof and the address of the place of

business of the corporation, partnership or association; a description of the vehicles to be used for the collection of rubbish or garbage and the license plate number thereof; a general statement of the area or areas of the Town wherein the applicant proposes to collect rubbish or garbage and the place or places and manner of disposition thereof.

§ 236-9. Issuance or denial of license; fees.

- A. Upon proper application and payment of the fee as provided in this subsection, the Town Clerk shall issue to the applicant a license required by this article for each vehicle to be used for the collection of rubbish or garbage. No license shall authorize the use of more than one vehicle. The fee Editor's Note: See Ch. A285, Fees. for the issuance of a license to residents of the Town and nonresidents of the Town shall be as set by resolution of the Town Board from time to time. This sum is intended to cover the expense to the Town of issuing the license and of periodic inspections and investigations to ascertain that the licensee is collecting and disposing rubbish and garbage in compliance with this article. Any license issued under this section shall be effective from the date of its issuance until the last day of December of the year in which issued, after which a new application for a license shall be made.
- B. Notwithstanding any other provision of this article, a license required by this article shall not be granted where, in the opinion of the Town Supervisor, the granting thereof will cause or may be deemed likely to cause an undue burden on the disposal facilities of such dump or its capacity to absorb the garbage or rubbish proposed to be deposited by the applicant or may otherwise unduly interfere with the orderly operation and maintenance of the dump.

§ 236-10. Revocation of license; grounds.

A license issued pursuant to this article for the commercial use of the Town dump may be revoked by the Town Board, after a hearing thereon, upon notice, in writing, served upon the licensee, by mail or otherwise, requiring the licensee to appear before the Town Board at a time to be specified in the notice and show cause why the license should not be revoked. If, upon the hearing, the Town Board shall find that the licensee has failed to comply with any of the provisions of this article with respect to the collection and disposal of rubbish, garbage or **recycling** or that any provision of this article has been violated or that the licensee has made a material misrepresentation upon his application for the license, the Town Board shall revoke the license.

§ 236-11. Dumping prohibited.

No person shall receive or accept for disposal or deliver, dump or offer for disposal any garbage, refuse or recyclable material on any land or at any location, site or area in the Town, other than upon a site or area established, operated or maintained by the Town as a public landfill or transfer station.

§ 236-12. Storage and disposal of hazardous wastes.

Storage or disposal of such industrial hazardous wastes as are identified and listed as such by the New York State Commissioner of Environmental Conservation pursuant to Title 9 of Article 27 of the New York State Environmental Conservation Law are prohibited within the Town of Guilderland.

§ 236-13. Penalties for offenses; civil enforcement and remedies.

- A. Any person who violates any provision of this article, other than § 236-4E and F, shall be guilty of a violation punishable by a penalty as set forth in Chapter 1, General Provisions, Article III, or by performing services for a public or not-for-profit corporation, association or agency, or by both such fine and imprisonment or by both such fine and public service. [Amended 6-1-1999 by L.L. No. 5-1999]
- B. Any person who violates § 236-4E and F of this article dealing with recyclable materials shall be guilty of a violation punishable by a penalty as set forth in Chapter 1, General Provisions, Article III. [Amended 6-1-1999 by L.L. No. 5-1999]
- C. Any person who violates any provision of this article shall be subject to a civil penalty enforceable and collectible by the Town in the amount not to exceed \$250 for each such violation, which penalty shall be recovered by the Town in a civil action. [Amended 6-1-1999 by L.L. No. 5-1999]
- D. In the event of a violation of this article of a continuing nature or character, each day the violation shall continue or be permitted to exist shall constitute a separate violation.
- E. Conviction for any violation of this article shall constitute cause for revocation of any license issued under this article, in the discretion of the Town Board.
- F. In addition to the penalties and punishments provided in this section, 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 article.

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ARTICLE II **Recycling** [Adopted 2-4-2003 by L.L. No. 1-2003]

§ 236-14. Title.

This article shall be known as the "**Recycling** Law."

§ 236-15. Purpose.

It shall be the purpose of this article to encourage and facilitate the maximum **recycling** practicable on the part of each and every household, business and institution within the Town of Guilderland (the Town). It shall further be the purpose of this article to establish, implement and enforce minimum **recycling** related practices and procedures to be applicable to all waste generators within the Town.

§ 236-16. Statutory authority.

This article is enacted pursuant to the authority granted by §§ 10 and 120-aa of the New York State Municipal Home Rule Law.

§ 236-17. Designation of recyclables; disposal.

- A. Recyclables designated by the Town for inclusion by this article may be disposed of at the Town's transfer station by households within the Town, and initially include the following:
- (1) Corrugated paper: cardboard containers, boxes and packaging which are cleaned of contamination by food wastes, adhesives, metals or plastics and which have been flattened. This does not include press board.
  - (2) Glass: empty, washed glass jars, bottles and containers of clear, green and amber (brown), excluding ceramic, window glass, auto glass, mirror and kitchenware.
  - (3) Metal: all ferrous and nonferrous metals, including steel, aluminum and composite cans and containers (cleaned of food waste), excluding scrap metal, wire, pipes, tubing, aerosol cans, paint cans and metal containers that contained hazardous liquids and abandoned automobiles.
  - (4) Newspaper: common machine finished paper made chiefly from wood pulp used for printing newspapers and magazines; must be dry and free of contaminants.
  - (5) Office paper: all bond paper, including computer print-out, stationery, photo copy and ledger paper.
  - (6) Plastics: all HDPE Nos. 1, 2 and 3 type plastics, including empty food, beverage, detergent, bleach and hair care containers, but excluding all oil containers, plastic bags, toys and hangars.
- B. Businesses, institutions, private haulers and any other waste generator, other than households located within the Town, are prohibited from disposing of recyclable or nonrecyclable waste at the Town's transfer station.

§ 236-18. Separation required.

Every household, business and institution within the Town shall separate recyclable materials from other nonrecyclable waste regardless of whether such recyclables and waste are disposed of at the Town's transfer station or disposed of at a solid waste facility by a private hauler.

§ 236-19. Disposal as waste prohibited.

It shall be a violation of this article for anyone to attempt to dispose of recyclable material as waste.

§ 236-20. Fees.

The Town Board may, by resolution, establish a schedule of fees for the disposal of waste items at the Town's transfer station, including recyclables.

§ 236-21. Penalties for offenses.

A violation of this article shall be deemed a violation and the violator may be liable for a fine of not more than \$50 for the first violation and not less than \$250 nor more than \$500 for each violation thereafter, and each violation shall constitute a separate offense.