

1. Title

This local law shall be known as the “Refuse Disposal Regulations of the Town of Westford”.

2. Legislative Declaration

- A. A clean, wholesome and attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Westford., and the safeguarding of their material rights against unwarranted invasion and the protection of public health. In addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens. It is further declared that the maintenance of a limited number of public refuse disposal areas is necessary to provide a small number of confined areas for the disposal of solid waste which will facilitate the inspection of facilities for disposal of waste and facilitate the enforcement of sanitary regulations.
- B. It is further determined that the safeguarding of the health, safety and welfare of the inhabitants of the Town requires the establishment of regulations, controls and limitations on persons, methods, equipment, times of deposit and other factors relating to the transportation and disposal of refuse within the Town.

3. Definitions

- A. As used in the Local Law, the following terms shall have the meanings indicated:

Brush - Tree parts, stumps, leaves, needles, branches and trimmings.

Closed Containers – Garbage cans, barrels, crates boxes or other small sound containers with tight lids; it does not include open cardboard boxes or plastic film sacks or bags.

Garbage – Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food, also known as kitchen waste (may include diapers, kitty litter and other pet waste if double bagged)

Hauler – A person or firm which deposits refuse or recyclables in a Town refuse disposal area.

Hauler, Commercial – Person or firm which, for pay, credit or any valuable thing, deposits refuse or recyclables at a Town refuse disposal area, including refuse created by such person or firm in connection with performing construction, renovation, demolition, or similar work for another.

Hauler, Private – A hauler which is not a commercial hauler

Large Deposit – A load of refuse larger than a small deposit, as defined herein.

Person – Any individual, corporation, partnership, group or association

Recyclables – Those materials able to be practically separated from non-recycled waste for which refuse markets can be accessed for reprocessing and reuse. The specific materials constituting recyclables shall be determined by the refuse officer.

Refuse – All waste materials, including, but not limited to garbage, rubbish, brush, incinerator residue, dead animals and offal.

Refuse Attendant – the person(s), being eighteen (18) years of age or older, designated from time to time by the Town Board by resolution, or , a member of the Town highway department staff or

Town Board, to oversee the daily operations of the Town Refuse Disposal Area, including collection of bag fees and .

Refuse Officer – the person(s), being eighteen (18) years of age or older, designated from time to time by the Town Board by resolution, or , if none is designated, the Town Highway Superintendent, to enforce conditions of the permit, issue tickets and penalties as proscribed in this law.

Resident – A person who’s principal abode or whose temporary abode is within the Town, or a firm which conducts business at a regular place of business within the Town.

Rubbish – Solid or liquid waste material, including, but not limited to, paper, paper products, brush, leaves, garden debris, sawdust, wood chips, furniture, cans and tires. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

Small Deposit – A load of refuse transported by a passenger vehicle, a one-half or three-quarter ton pickup truck or trailer or other conveyance of like size or capacity or load not exceeding such size.

Source Separation – the separation of recyclables from solid waste at the point of generation.

Town – the Town of Westford

Town Refuse Disposal Area – A station or facility or area operated by the Town for the disposal of refuse and/or collection recyclables. Herein known as the RD areas

4. **General Regulations**

- A. All persons shall comply with applicable New York State and Otsego County regulations regarding the proper transportation and disposal of refuse and recyclables, including separation of recyclables, covering of loads, containing the materials to prevent spillage, and the unlawful disposal of refuse and recyclables along roadways and waterways.
- B. The Town Board may establish, by resolution, rules for the operation of the Town RD area, including but not limited to, the hours of operation, limitations on quantity or type of refuse to be disposed of, requirements for security deposits or insurance from commercial haulers to limit the Town’s liability, and/or establishing categories of deposits and haulers and varying fees. Any rules established by the Town Board will become effective 1 week following posting at the RD area and the Town Bulletin Board.
- C. The Town Board will establish, by resolution, a fee schedule for disposal of certain types of refuse, including but not limited to, bags of household garbage deposited by persons who are not residents of the town. The fee schedule established by the Town Board will become effective 1 week following posting at the RD area and the Town Bulletin Board. Such fees would be in addition to any permit fee and/or any other fee, deposit, bond or insurance required this Local Law.

5. **Town Refuse Disposal Area**

- A. Recyclables and refuses may only be disposed of at RD areas designated by the Town Board.
- B. The Town Board may open the RD area without notice for emergencies.
- C. The entering of, trespassing on or dumping or depositing of refuse at the Town RD area is prohibited at any time during which the area is not open.
- D. Refuse deposited according to the rules established by the Town Board or the Refuse Attendant.
- E. Recyclables shall be separated and deposited according to the rules established by the County Solid Waste Department.

- F. The following types of refuse shall not be deposited in a Town refuse disposal area:
1. Refuse that has been generated from outside of the Town limits unless approved by the Town Board.
 2. Refuse which requires special handling, treatment, NYS 365 Permit (Industrial, specialized or biohazard waste) or disposal.
 3. Refuse not transported in compliance with NYS and County regulations.
 4. Liquids
 5. Tires.
 6. Appliances containing refrigerant.
 7. Foul smelling wastes, including, but not limited to, dead animals or parts, manure or feces, decaying meats or vegetables (except for kitchen waste which may include diapers, kitty litter and other pet waste if double bagged).
 8. Sludge or other material from septic tanks or sewage treatment plants.
- G. Speed Limit. The Town Board shall establish and post the speed limit at the RD areas.

7. Refuse Attendant

- A. The Refuse Attendant shall direct the operation of the Town RD area.
- B. The Refuse Attendant may, with the consent of the Town Board, from time to time delegate such power to any person(s).
- C. The Refuse Attendant shall determine whether refuse deposited at the Town RD area is permitted by this Local Law.
- D. The Refuse Attendant may refer any matter to the Refuse Officer for enforcement.
- E. The Refuse Attendant may collect fees pursuant to Section 10 of this local law.

8. Refuse Officer

- A. The Refuse Officer shall enforce this local law and issue penalties for offences pursuant to Section 11 of this local law.
- B. The Refuse Officer may determine to suspend any permit to deposit refuse or recyclables at a Town RD area. The time period for suspension of any permit will be determined by the Refuse Officer. During the suspension, that person or firm may not reenter the Town RD area to dispose of refuse or recyclables. Reentry at the Town RD area by the suspended or revoked person or firm shall constitute a trespass.
- C. Any determination by the Refuse Officer may be appealed by any aggrieved person to the Town Board one (1) month after such determination is made.

9. Salvaging

- A. There will be no salvaging unless permitted by the Refuse Attendant.
- B. Salvaging or removal of any refuse or recyclables deposited at the Town RD area shall be permitted only from areas specifically designated by the Refuse Attendant. Materials salvaged must be removed from the Town RD area within twenty-four (24) hours.

10. Permits and Fees

- A. Permits are required to deposit refuse free of charge at the Town RD area. Permits will be free of charge to Westford residents. Vehicle stickers will be provided to Westford residents for each vehicle owned by such residents. Permits and vehicle stickers are not transferable.
- B. Town residents may acquire a permit from the Town Clerk during regular office hours or from the Refuse Attendant during the regular operating hours of the Town RD area.
- C. Town residents may be required to provide proof of property ownership or residence by tax bill, driver's license, auto registration, or other suitable documents.
- D. Non-residents may dispose of bags of household garbage or other categories of refuse at the Town RD area only in accordance to the rules and fee schedule established by the Town Board in accordance with Section 4.C of this Local Law.

11. Penalties for Offenses

- A. Any person or company who violates any provision of this local law or the rules and regulations established hereunder shall be subject to a penalty of not more than two hundred fifty dollars (\$250). The imposition of penalties shall not excuse the violation nor permit it to continue nor shall prevent the suspension of a permit. The expenses of the Town in enforcing this regulation, including legal fees, may be chargeable to the offender. When a violation of any of these regulations is continuous, each day shall constitute a separate and distinct violation, subjecting the offender to an additional penalty. The foregoing penalties are separate from and in addition to penalties prescribed by any other applicable statutes, ordinances, local laws or regulations.
- B. Upon finding a violation of this local law, in addition to any other action authorized by this local law or any other applicable statute, ordinance, local law or regulation, the Refuse Officer is hereby authorized and empowered to issue an appearance ticket pursuant to New York State law.
- C. A permanent record of all notice so violations and their disposition shall be kept in the offices of the Refuse Officer or the Town Clerk at the direction of the Town Board.
- D. Whenever a suspected violation of this local law occurs, any person may report such violation to the Refuse Officer, either in writing or verbally. All complaints shall be properly recorded, filed, and immediately investigated by the Refuse Officer and reported to the Town Board. The Town Board may, by blanket resolution, authorize the Refuse Officer to act independently in all cases or particular class of cases.