

- A. Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village and its officers and employees any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.
- B. If any clause, sentence, phrase, paragraph of any part of this chapter for any reason shall be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions not been included.

§ 29-4. When effective.

This chapter shall take effect immediately upon its filing with the Secretary of State.

Chapter 30

DUMPING

- § 30-1. Legislative Intent and Title.
- § 30-2. Definitions.
- § 30-3. Prohibitions and Restrictions.
- § 30-3A. Garbage and Rubbish Removal.
- § 30-4. Enforcement and Penalties.
- § 30-5. Amendments.

[HISTORY: Adopted by The Board of Trustees of the Village of Port Dickinson January 13, 1998 as Local Law No. 1-1998. Amendments noted where applicable.]

§ 30-1. Legislative Intent and Title.

This local law is adopted in view of the increase in illegal dumping of garbage, rubbish, and other offensive materials, together with toxic materials due in part to the increasing costs associated with disposing of such materials at the Broome County landfill. It is the intent of the Board of Trustees of the Village of Port Dickinson to restrict and regulate, in a manner consistent with the interests of the residents of the Village of Port Dickinson, the dumping and/or other disposal of various wastes in order to promote the health, safety and general welfare of persons and property within the Village of Port Dickinson. This local law shall be known and cited as "The Dumping Local Law of the Village of Port Dickinson." Therefore, pursuant to the authority contained in the Municipal Home Rule Law, and pursuant to its police power as contained in the Village Law, Sections 20-2000, the Board of Trustees of the Village of Port Dickinson does hereby enact the following local law as Chapter 30 of the Code of the Village of Port Dickinson.

§ 30-2. Definitions.

- A. COMPOST — Means to heap or pile matter capable of decay, including but not limited to grass cuttings, leaves, brush, decaying foods, or paper products for use as fertilizer.
- B. Construction and demolition debris — Any matter which is defined as construction and demolition debris in 6 NYCRR Part 360.
- C. Garbage — Includes but is not limited to:
 - 1. Food waste of all kinds, whether for human or animal consumption.
 - 2. Used food containers or parts thereof, whether fabricated of metal, paper, wood, glass, plastic or synthetics.
 - 3. Paper materials used in food packaging.
 - 4. Dead animals or parts thereof.
 - 5. Any other matter which shall be capable of fermentation or decay, except:
 - a. Lumber as defined herein, and
 - b. Composted garbage used as fertilizer upon farms or gardens.
- D. Litter — Any matter capable or incapable of fermentation or decay.
- E. Lumber — Includes but is not limited to:
 - 1. Wood of growing trees sawed or split into boards or planks.
 - 2. Wood pallets.
 - 3. Wood used in packing and/or shipping.
 - 4. The term “lumber” does not include untreated wood products formerly used in construction or packing and/or shipping to be used as firewood pursuant to the provisions of Section 3(B)(2) herein.
- F. Rubbish — Includes but is not limited to:
 - 1. Waste material.
 - 2. Garden refuse, grass and leaves.
 - 3. Tires.
 - 4. Glass, metal, tins, cans, ashes, cinders, pottery, crockery, aluminum, plastics, styrofoam and synthetics, except matters defined herein as “garbage”.
- G. Sludge — Solids removed during the treatment of:
 - 1. Domestic or sanitary sewage.
 - 2. Stormwaters.
 - 3. Industrial wastewaters, or
 - 4. From any combination of these.
- H. Solid Waste — Any matter which is defined as solid waste in either of the following:
 - 1. Broome County Local Law No. 9, 1991, or
 - 2. 6 New York Code, Rules and Regulations, Part 360 (hereinafter “6 NYCRR Part 360”).
- I. Toxic materials — Material listed or defined as hazardous by either of the following:
 - 1. New York State Department of Environmental Conservation, or
 - 2. U.S. Environmental Protection Agency.
- J. Village — Means the Village of Port Dickinson.

§ 30-3. Prohibitions and Restrictions.

- A. Dumping, disposing, burying, burning, or littering of any of the following on any public or private lands in the Village of Port Dickinson is prohibited:
1. Garbage or rubbish, subject to the following:
 - a. The storage of garbage or rubbish which is awaiting collection and removal in a durable container in a manner which does not impair the public health or safety shall not be deemed to be prohibited by this section.
 - b. The owner of a single family residence may compost on the property comprising said residence matter capable of decay (as specified in Section 2(A) herein) generated from that residence or farm to be used as fertilizer so long as the disposal and composting is done in a nuisance-free manner which does not impair public health, safety or general welfare and is in conformity with the provisions of Code Section 45-3.1.
 2. Sludge. However, the disposal of sludge in accordance with the regulations and licensing requirements set forth in Broome County Local law No. 9, 1991, and by the Department of Environmental Conservation shall not be deemed to be prohibited by this section.
 3. Toxic material.
 4. Solid waste. However, the disposal of solid waste at a disposal facility authorized and licensed in accordance with the regulations set forth in Broome County Local Law No. 9, 1991 and 6 NYCRR Part 360 shall not be deemed to be prohibited by this section.
 5. Construction and demolition debris, subject to the following:

The storage of construction and demolition debris which is awaiting collection and removal in a manner which does not impair the public health or safety shall not be deemed to be prohibited by this section; provided, however, that said debris is removed from the site within sixty (60) days from the issuance of a building demolition permit pursuant to Code Chapter 26.
- B. Dumping, disposing or burying of lumber is prohibited, except:
1. Lumber awaiting use in any construction project stored in a manner which does not impair the public health or safety.
 2. This section shall not be deemed to prevent the storage of untreated lumber intended for use as firewood so long as the same shall not be stored in the following manner:
 - a. on any highway right-of-way, or
 - b. at or near any intersection in such a manner as to obstruct or impair the line of sight for vehicular or pedestrian traffic.

§ 30-3A. Garbage and Rubbish Removal.

- A. The person in control of any private lands in the Village shall arrange at his own cost and expense for the removal at least once per week of all garbage, and rubbish generated from said lands which shall be placed at the curb line not earlier than the evening preceding the collection day in suitable containers or securely stacked in bundles so as to prevent blowing and scattering.
- B. If the person in charge of said lands shall fail to comply with the provisions of this section, any accumulated garbage or rubbish the Village, after making a reasonable effort to notify the property owner to remove the same, shall have the power to have the same removed by the Village Department of Public Works. If in the judgment of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such activities within forty-eight (48) hours from the time that the person in charge of said lands had failed to do so, the Commissioner of Public Works may direct a private contractor previously approved by the Board of Trustees to perform such service at the pay schedule previously approved. In either such event the expense thereof shall become a lien upon the real property involved and be added to and become a part of the tax next so assessed by including such

expense in the next annual tax levy against the property pursuant to the Village Law of New York. In addition to such billing, the Village is authorized to proceed for a violation of this section pursuant to S 30-4 of the Village Code. [Added 8-14-01 by L.L. No. 9-2001]

§ 30-4. Enforcement and Penalties.

- A. Conviction under this local law shall be a violation as defined by Section 55.10(3) of the Penal Law of the State of New York.
- B. Each day during which a violation continues may be deemed to be a separate violation.
- C. Conviction of an offense as provided by this local law shall be punishable by the following:
 - 1. Fine of not more than \$250 or in the case of a corporation an amount in accordance with Penal Law Section 80.10, and/or
 - 2. In the case of an individual(s), a term of imprisonment not to exceed fifteen (15) days, and/or
 - 3. Restitution based on avoided disposal fees and the costs of collection and hauling, and/or
 - 4. Community service.
- D. In addition to the above provided penalties and punishment, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with this local law by injunction, abate or otherwise compel cessation of each violation, or obtain restitution to the Village for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees and environmental testing.

§ 30-5. Amendments.

Any reference herein to any state, county and/or local law, rule or regulation shall include any future amendments thereto which become effective after the adoption of this local law.

Chapter 31

ENVIRONMENTAL QUALITY REVIEW

[Pursuant to Local Law No. 6-1990, adopted 12-11-1990, Local Law No. 1-1977, adopted on March 30, 1977, pursuant to Article 8 of the New York Environmental Conservation Law, whereby the Village of Port Dickinson undertook and exercised the regulatory authority with regard to activities subject to regulation under said Article, was repealed. Hereafter, the regulations set forth in 6 NYCRR 617 implementing the provisions of the State Environmental Quality Review Act (SEQR) shall provide the regulatory framework for and govern the implementation of SEQR by all agencies of the Village of Port Dickinson.]

Chapter 33