

ORDINANCE #4

TOWN OF SCHROON

AN ORDINANCE ESTABLISHING A PUBLIC DUMP OR DUMPING GROUND AND REGULATING THE TRANSPORTATION AND DISPOSAL OF GARBAGE, RUBBISH AND WASTE FOR AND WITHIN THE TOWN OF SCHROON, ESSEX COUNTY, NEW YORK.

SECTION 1. LEGISLATIVE INTENT. By the adoption of this ordinance the Town Board of the Town of Schroon declares its intent to be, to regulate in a manner consistent with the interests of the citizens, residents and inhabitants of the Town of Schroon, the dumping of garbage, rubbish and refuse and similar waste material on land within the said Town and to provide for the disposal thereof on established dumps or dumping grounds. Garbage is a deleterious substance and garbage dumps omit obnoxious odors and fumes. Unattended private garbage dumps and disposal areas attract rodents and vermin and become breeding places for them. The process of burning garbage causes smoke and oxidizes 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 properly and carefully regulated. Therefore, recognizing the above and the need of the community for an adequate and well regulated procedure for the disposal of garbage and rubbish, and in the exercise of its police power in these regards, The Town Board of the Town of Schroon, pursuant to Sec. 220, subd. 5 and Sec. 130, subd. 6 of the Town Law of the State of New York does hereby ordain and enact the following ordinance:

SECTION 2. APPLICATION & TERRITORY AFFECTED. This ordinance shall be applicable to all territory within the Township of Schroon, Essex Co., N.Y.

SECTION 3. DEFINITIONS. The term person as used in this ordinance shall include any individual, society, club, firm, partnership, corporation or association of persons and the singular number shall include the plural number. The term rubbish as used in this ordinance shall include waste metal, tin, cans, ashes, glass, cinders, pottery and all discarded substances of a solid nature. The term garbage as used in the ordinance shall include waste food, decayed or spoiled fruits or vegetables, household refuse, dead animals or parts thereof, or any other matter which shall be flammable or capable of fermentation or decay. The term waste as used in this ordinance shall include any and all waste material or waste substances of whatever nature or description such as bottles, cans, garbage, refuse, trash, rubbish, abandoned vehicles or parts thereof or any nauseous or offensive matter.

SECTION 4. RESTRICTIONS ON TRANSPORTATION OF GARBAGE, RUBBISH AND WASTE. No person shall transport or carry any garbage, rubbish or waste into, within or through this Township unless the same shall be properly and securely enclosed in an adequate vehicle, can, container, box or other repository and properly and adequately sealed, covered or otherwise contained against spillage, disposal or escape.

SECTION 5. DUMPING OR DISPOSAL OF GARBAGE, RUBBISH OR WASTE. No person shall use any real property, lands or premises including highway, street, or other place whatever within the Town of Schroon as a dump or dumping ground, nor shall any

person, throw, dump, deposit or place on such lands, etc., or cause to be thrown, dumped or deposited or placed on such lands, etc. any garbage, rubbish or waste material or waste substance such as bottles, cans, garbage, refuse, trash, rubbish, abandoned vehicles or parts thereof, litter of any substance of a nauseous or offensive nature nor dispose or attempt to dispose of any such material, substances or matter by burying them on such lands, etc. or burning or incinerating the same on such lands, etc., except as otherwise provided herein.

SECTION 6. SITE. Certain real property and premises heretofore and presently in use as and for a public dump or dumping ground, situated adjacent to the Northerly side of a public highway known as the Charley Hill Road in such township as hereby regulated and established and designated as a public dump or dumping ground of this Town for garbage, rubbish and waste by the residents and inhabitants of the Town, subject to the provisions of this ordinance and pursuant to the authority of the Town Laws Sec. 220, Subd. 5. The regulations herein contained shall also apply to any other lands hereafter acquired or leased for the purpose or disposal of rubbish, garbage and waste.

SECTION 7. TOWN DUMP RESTRICTION USE.

- a) No person shall deposit or cause to be deposited any substance of any kind on premises established as a public dump or dumping ground of this Town except at the places and in the manner and during the hours, 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 or pursuant to regulations adopted by the Town Board in furtherance of this ordinance as to usage, hours, closing, fencing, etc. of such dump.
- b) No person shall carry, leave or cause to be carried or left upon the premises mentioned in Section 6 of this ordinance any automobile, vehicle, machine, appliance, or any article or any part thereof, unless the same shall have been dismantled and the body thereof cut up and flattened out so as to permit the same to occupy a minimum of space. Nothing herein contained, however, shall prevent the leaving of such vehicle or other article on the premises under the arrangement with the caretaker, thereof by which such caretaker is to dismantle and property break up and dispose of same.
- c) No person shall deposit or cause to be deposited on premises established as a public dump or dumping ground of this Town any substance of any kind which originated or was collected from outside the Town of Schroon.
- d) No person who does not reside in the Town of Schroon may deposit or cause to be deposited any substance of any kind on the premises established as a public dump or dumping ground of this Town.

SECTION 8. VIOLATION OF ORDINANCE PENALTY.

- a) Any person who commits or permits any act or acts in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$50.00 or imprisonment not exceeding 10 days or by both such fine and imprisonment.
- b) In addition to the above provided penalties and punishment, the 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 ordinance.

SECTION 9. REVOCATION OF PRIVILEGES. Any person who or whose servants, agents or employees or officers shall be convicted of any violation of the provisions of this ordinance may thereafter be denied the privilege of transporting or carrying garbage, rubbish or waste within or through this Township and/or the use of such dump or dumping ground either temporarily or permanently by the officer or employee in charge thereof or by resolution of the Town Board.

SECTION 10. SAVING CLAUSE. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment has been rendered.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect ten days after publication and posting thereof, subject however to the Town Law, provisions for a public hearing and permissive referendum, as applicable, and

FURTHER, that the adoption of the foregoing resolution is subject to a permissive referendum, pursuant to the applicable provisions of the Town Law and notice of such ordinance shall be duly given in behalf of the Town Board by the Town Clerk, as provided by law.

Adopted: June 28, 1965.