

TOWN OF PULTENEY
LOCAL LAW NO. 3 OF 2015

A Local Law: Regarding the usage of the Town Compost Site maintained by Town of Pulteney and located on Tobey Road, Pulteney, NY.

BE IT ENACTED by the **TOWN BOARD** of the **TOWN OF PULTENEY** as follows:

Article 1 – Statement of Authority

The Town Board of the Town of Pulteney pursuant to the authority granted under New York State Agriculture and Markets Law Article 7, Chapter 59, Part T.

The Town Clerk of the Town of Pulteney is hereby directed to file a copy of this local law with the New York Department of State.

Article 2 – Severability

Should any sections or provisions of this local law be declared invalid, such decision shall not affect the validity of the remaining portions of this local law.

Article 3 - Purpose

The purpose of this ordinance is to deter and prevent potential hazards and inconvenience to the public and costs to the Town of Pulteney caused by the dumping of impermissible materials at the Town of Pulteney Compost Site. This ordinance is therefore enacted for the purpose of controlling the use of the Town of Pulteney Compost Site, which is located on Tobey Road and herein referred to as the “ Town Compost Site”.

Article 4 -- Title

The title of this law shall be “Town of Pulteney Local Law 3 of 2015”

Article 5 – Definitions

As used in this Local Law No. 3 of 2015 the following words shall have the following respective meanings:

1. Resident: for purposes of this ordinance, a “resident” shall be defined as a resident and/or taxpayer of the Town of Pulteney or her/his bonifide house guest, or a person who is in the employ of any company, business, or commercial entity located within the Town of Pulteney. A resident is any person whose principle place of abode or domicile is in the Town of Pulteney. A taxpayer is any person or the head of any household who pays a property tax to the Town of Pulteney or member of her/his immediate family. A bonifide

house guest is any person who is a guest of a resident and/or taxpayer and is primarily an overnight guest of the resident and/or taxpayer. A person in the employ of a company, business or commercial entity is authorized, providing she/he is representing said employer in the disposal of permissible waste which originates from that business, company or commercial entity.

2. Permissible Waste: for purposes of this ordinance, shall be defined as yard waste associated with residential and business property maintenance but shall be limited to:
 - a. Grass and lawn clippings.
 - b. Leaves.
 - c. Small branches up to 4" in diameter.

3. Impermissible Waste: for purposes of this ordinance, impermissible waste shall be defined as waste, debris or refuse of any kind not included in the definition of "permissible waste" as provided for in this ordinance and shall include, without limitation, the following:
 - a. Construction waste or debris of any kind.
 - b. Waste generated by any large residential, business, or industrial land clearing project.
 - c. Batteries of any kind.
 - d. Automobile/truck/motorcycle/snowmobile or any other vehicular batteries.
 - e. Concrete.
 - f. Cinder blocks.
 - g. Appliances.
 - h. Tires.
 - i. Furniture including mattresses and box springs.
 - j. Vehicle parts.
 - k. Glass.
 - l. Rugs and carpets.
 - m. Propane tanks.
 - n. Motor oil.
 - o. Wooden logs.
 - p. Prepared wooden posts or beams used in construction.
 - q. Scrap metal.
 - r. Septic system fluids or solids.
 - s. Hazardous industrial wastes, or any other hazardous waste.

4. Authorized Persons: Persons authorized to dump at this site are defined in Article 5, paragraph 1. of this ordinance, subject to exemptions in writing, granted at the sole discretion of the Highway Superintendent.

Article 6 Prohibitions

1. Any person, business or corporate entity who dumps, deposit or places impermissible waste, of any amount, quantity or weight, at the Town of Pulteney Compost Site shall be guilty of a violation of this Local Law and subject to the penalties provided for in Article 7.

Article 7 Penalties for Violations

1. Any person, business or corporate entity who violates this ordinance shall be guilty of a violation and shall be fined not more than \$100.00, ordered to pay restitution, including the cost of remediation, as determined by the court.
2. Any person, business or corporate entity who violates this ordinance for a second time within one calendar year of a prior offense shall be guilty of a violation and shall be fined not more than \$250.00, ordered to pay restitution, including the cost of remediation, as determined by the court, and may be incarcerated for up to fifteen days.
3. Any person, business or corporate entity who violates this ordinance, and who has been previously found guilty of a violation of this ordinance two or more times within the past three years shall be guilty of a misdemeanor as defined in the New York State Penal Law and shall be fined not more than \$1000.00, ordered to pay restitution, including the cost of remediation, as determined by the court, and may be incarcerated for up to sixty days.