

A LOCAL LAW TO PROVIDE FOR THE CONTROL OF
GARBAGE AND REFUSE IN THE TOWN OF BUSTI

Be it enacted by the Town Board of the Town of Busti as follows:

Section 30-100: Title and Purpose

The Town Board of the Town of Busti does hereby adopt and enact this article which shall be known as the "Local Law to Provide for the Control of Garbage and Refuse in the Town of Busti".

Section 30-102: Definitions

As used in this article, the following terms shall have the meanings indicated:

ASHES: The residue from any combustion process, whether generated from manufacturing, residential, or any other source.

GARBAGE: Includes offal, kitchen waste, meat, poultry, fish or vegetable waste, and paper, cardboard, plastic, glass, metal or containers or materials for wrapping foods and food products.

PERSON: An individual, society, group, firm, partnership, corporation or association of persons, and all other entities of any kind capable of being sued.

REFUSE: All other objects made of paper, cardboard, wood, plastic, metal and glass, rags, ashes, lumber, brick, stone, cement and other construction debris, leaves, grass clippings and shrub and tree parts and trimmings. Refuse shall not include earth and wastes from building operations, nor shall it include solid waste resulting from industrial process and manufacturing operations such as food processing waste, boiling house cinders, lumber scraps and shaggings.

TOWN: That part of the Town of Busti outside the Village of Lakewood.

Section 30-103: Unsanitary Conditions.

It shall be unlawful for any person to allow or cause to exist any unsanitary or filthy condition in, on, or about any premises owned, used, or occupied by said person within the Town. The owner, lessee, tenant, or other person having management or control of or occupying any lot, premises, dwelling or other building in the Town shall keep same at all times free and clear of any accumulation of ashes, garbage, refuse, or discarded matter of any type, except as permitted in this law.

Section 30-104: Disposal on highways or other public places prohibited.

It shall be unlawful for any person to throw, dump, deposit, or place, or cause to be thrown, dumped, deposited, or placed, or to permit any servant or employee to throw, dump, deposit, or place in or upon any street, highway, alley, sidewalk, park, public building, and in any running water, canal, or other body of water within the Town any ashes, garbage or refuse, including, but not limited to, dead carcasses, sewage, slops, excrement, compost, stable manure, ashes, soot, tin cans, tires, rags, waste paper barrels, crates, boxes, litter or loose combustible material, including waste petroleum products, materials subject to be carried by the wind, and unwholesome or putrescible matter of any kind.

Section 30-105: Unsanitary or combustible substances or matter on vacant lots prohibited.

It shall be unlawful for any person, either as owner, agent, lessee, tenant, or otherwise, to throw, dump, deposit, or place, or cause to be thrown, dumped, deposited, or placed, or to permit any servant or employee to throw, dump, deposit, or allow any ashes, refuse, garbage, manure, offal or other decomposable organic or putrescible matter in or upon any vacant lot or land or vacant place upon the surface of any lot or land, enclosed or otherwise, except at such place or places designated or approved by the Town Board, provided that garbage, manure, offal or other putrescible matter may be kept temporarily in suitable cans, vessels, tanks, or containers which are watertight and provided with tightly fitting covers.

Section 30-106: Disposal in the Vukote Canal specifically prohibited.

It shall be unlawful for any person to throw, dump, deposit, or place, or cause to be thrown, dumped, deposited, or placed in the Vukote Canal any ashes, garbage, refuse, tires, logs, stumps, brush or any other thing or any other substance which would have the effect of impairing the use of the canal as a safe or clean navigable body of water or which would make the canal and its banks less sanitary or safe.

Section 30-107: Exceptions.

Nothing herein shall be construed as to prohibit:

- A. The lawful use of any public solid waste disposal facility.
- B. The placement of refuse and garbage by residents of the Town of Busti in suitable containers at the edge of the pavement, street, or road on the days scheduled for rubbish removal collection. However, should such container be damaged or torn by any means or cause, except loading, the litter resulting therefrom shall be the responsibility of the resident, and shall constitute a violation of this law unless it shall be promptly cleaned up by such resident.
- C. The use in a reasonable manner of ashes, sand, or other material for the purpose of reducing the hazard of or providing traction on, snow, ice, or sleet.
- D. The depositing of manure, compost, or fertilizers by a landowner upon his, her,

or its own land, if the land is under cultivation or part of a garden or mowed lawn area.

E. The use of matter capable of decay for composting within the bounds of a single-family residence or farm, so long as the composting is done in a nuisance-free manner which does not impair the public health, safety, or general welfare.

F. The allowing of leaves and branches to remain where they fall, or the collecting and piling of same by owners or tenants on their own premises, so long as such collections or piles do not constitute a menace to others.

G. The disposal on areas within the bounds of a farm or licensed meat packing firm of animal carcasses or parts thereof generated by that farm or meat packer, so long as the same shall be disposed of in accordance with the applicable provisions of the New York State Agriculture and Markets Law.

H. The operation of a junkyard duly licensed and approved pursuant to the Town of Busti's Local Law Providing for Licensing and Regulating Automobile Graveyards and Junkyards, provided that such junkyard shall remain subject to the regulations for garbage and refuse contained in said Junkyard Law.

Section 30-108: Violations and Penalties.

A. Any person that commits or permits to be committed an act in contravention of this Local Law, shall be deemed to have committed a violation and shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment for a period not to exceed thirty (30) days or both. The continuation of a violation of the provisions of this Local Law shall constitute a separate and distinct violation hereunder for each day the violation is continued.

B. Action or proceeding; civil penalties.

(1) 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 restrain by injunction any violation of this chapter.

(2) In addition to or apart from any action or proceeding to enjoin any violation, any persons who violates this Local Law shall be liable for a civil penalty or liquidated damages of one hundred dollars (\$100) per day for each day such violation continues after such violator has received notice by certified mail to cease, discontinue, or remove the violation,

C. Appearance Tickets.

The Code Enforcement Officer, his designee, or duly authorized Deputy Code Enforcement Officer, pursuant to the Municipal Home Rule Law, shall have the authority

to issue appearance tickets for violations of any provision of this Local Law.

D. Jurisdiction.

The Town Justice of the Town of Busti shall have the jurisdiction to hear all complaints under this Local Law, and of all actions and proceedings hereunder, and of all prosecutions for violations of this Local Law, as authorized by the Constitution and Judiciary Law of the State of New York.

Section 30-109: Severability of Provisions.

Should any section of this local law be found by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so deemed to be unconstitutional.

Section 30-110: Effective date:

This local law shall become effective upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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