



# TOWN OF DAY

COUNTY OF SARATOGA

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**Pledge of Allegiance**

**Roll Call**

## **SPECIAL TOWN BOARD MEETING March 26, 2024 AGENDA**

**PUBLIC COMMENT:** *Each speaker shall state their name prior to addressing the Town Board*

**Local Law:** Discussion and revision of draft law on “A Local Law Regulating Solid Waste Disposal in the Town of Day”

**Town Policy:** Discussion and revision of town policies presented by Town Board.

**CORRESPONDENCE:** none

**OTHER BUSINESS :**

**RESOLUTIONS:** to be determined if needed on town policies

**Roll call** Vote on Resolution(s)

**PUBLIC COMMENT**

**MOTION** to adopt resolutions.

**EXECUTIVE SESSION** – if needed

**The next regular** Town Board meeting will be Monday, April 8, 2024 at 7:00pm

**MOTION** to Adjourn

**PUBLIC COMMENT RULES:** *Each Regular Meeting of the Town Board will have fifteen (15) minutes set aside for public input, to allow members of the public to address the Board on matters relating to the Town of Day. This timeframe may be extended at the discretion of the Board. Each speaker shall state their name prior to addressing the Board and shall be granted the floor for a single time frame of up to three (3) minutes. All remarks shall be directed to the Town Board as a body and not at a specific individual, staff or member of the public. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard, and asks that the public refrain from conducting side meetings within the meeting room. The Board thanks everyone in attendance for their understanding, and also for their desire to actively participate in the Town decision making process. Please check [www.townofday.com](http://www.townofday.com) for final agenda and updates*

DRAFT  
03-2024

**TOWN OF DAY  
COUNTY OF SARATOGA, STATE OF NEW YORK  
Local Law No. \_\_\_ of the Year 2023**

**A LOCAL LAW REGULATING SOLID WASTE DISPOSAL IN THE TOWN OF DAY**

**Be it enacted by the Town Board of the Town of Day as follows:**

**§1. Purpose.**

- A. The purpose of this local law is to protect, maintain and enhance the public health, safety and the general welfare by establishing requirements and procedures relating to the collection and disposal of solid waste in the Town of Day (the "Town").
- B. It is hereby determined by the Town Board of the Town that the landfilling and/or incineration of solid waste within the Town is likely to constitute a hazard and a menace to the health and safety of the residents of the Town.
- C. It is further determined that the citizens of the Town have vested legislative authority in their Town Board, and that said Town Board is entrusted, among other duties, with the protection of the order, conduct, safety, health and well-being of persons and property therein and the protection and enhancement of said Town's physical and visual environment.
- D. It is further determined that the Town, by local law, may exercise its police power to regulate all aspects of solid waste within the Town and to make appropriate rules, regulations, resolutions and laws intended to promote the general well-being of the persons and property situated therein.

**§ 2. Definitions.**

As used in this local law, the following terms shall have the meanings indicated.

**GARBAGE** — Includes offal, filth, dirt, ordinary kitchen, cooking and household wastes, decaying vegetables, animal matter and food containers of metal, glass, paper, plastic and other similar material.

**PERSON** — Includes any individual, firm, partnership, corporation, municipality or association of persons.

**SOLID WASTE** — Garbage, refuse and other discarded materials, including but not limited to solid, semisolid, liquid and contained gaseous materials resulting from municipal, industrial, commercial, agriculture and residential units.

**SOLID WASTE RECEPTACLE** — Any container other than a dumpster designed or used for the collection of solid waste, including but not limited to containers commonly known as a trash or garbage can.

**TOWN** -- Town of Day.

### **§3. Residential collection.**

- A. Under the direction of the Town, there shall be standard solid waste collection and disposal services consisting of one collection per week for each residence.
- B. Recycling: collection of recyclable items (cardboard, glass, and plastic) consists of one collection per week according to summer schedule and bi-weekly according to winter schedule for each residence.
- C. Regular collection service shall not include removal of items such as tires, refrigerators, air-conditioning units, furniture, pipe, auto parts, trees, yard waste and other like items.
- D. Under the direction of the Superintendent of Highways, the Town shall maintain standard yard waste collection and disposal for each residence as may be required by the Superintendent of Highways.
- E. Town of Day Recycling Center is available for a small fee to Town of Day Residents and requires a permit available from the Town Clerk or Recycle Center Attendant. Garbage and recyclables may be taken to the recycling center by property owner rather than garbage pick-up.

### **§4. Maintenance of premises.**

Owners and occupants of occupied premises and owners and persons in charge of unoccupied premises, including vacant lots within the Town, are hereby charged with the duty of maintaining such premises at all times in a sanitary, clean and tidy condition and so as to prevent the accumulation there of solid waste which constitutes a nuisance or fire hazard.

### **§5. Duty of owners and occupiers of property.**

- A. No person shall permit any solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Town. Owners or occupiers of residential property are hereby required to make accumulated solid waste available for collection as scheduled under the terms hereof.
- B. All solid waste accumulated on any residential, commercial, industrial and institutional property in the Town may be collected, conveyed and disposed of by a private carter or at the Town's transfer station in accordance with any rules or regulations of the Town Board or Superintendent of Highways. It shall be unlawful for any person to collect and dispose of any solid waste within the Town except as provided in this local law.
- C. It shall be the duty of the owner, lessee or occupant of every dwelling, store or other building within the Town to keep such buildings free, clear and clean of all kinds of solid waste of any kind or description and to keep sidewalk and yard areas free, clear and clean of all solid waste of any kind or description and to provide for solid waste receptacles sufficient for the collection and disposal of solid waste from such premises.
- D. It shall be the responsibility of the owner of a commercial property to provide a sufficient number of solid waste receptacles or dumpsters for the storage of solid waste to prevent overflow between times of collection and to maintain the premises in accordance with the

standards of this local law. It shall be unlawful for the owner of such a commercial property to fail to provide such solid waste receptacles or dumpsters and to allow the occupants, tenants or invitees of such commercial property to accumulate solid waste. Such commercial property owner shall provide for or cause the removal and disposal of garbage generated from such commercial property in accordance with law and such garbage will not be picked up by the Town.

- E. No person shall allow or permit the storage or placement of household furniture or appliances outside the living area of the property.
- F. Loose garbage will not be picked up. Garbage must be in tied plastic bags and in closed and secured solid waste receptacles to prevent access and littering by animals. The Town will not pick up loose garbage or garbage in untied bags. Littered garbage will not be picked up by the town workers, it is the responsibility of the property owner to pick-up any of their loose garbage. Solid waste receptacle lids must be secure as town workers will not be responsible for loose garbage lids. No human waste is to be put into garbage bags or any solid waste receptacle.

#### **§6. Disposal regulations.**

All solid waste shall be kept and disposed of in the following manner:

- A. No solid waste receptacles shall be stored on or in any front yard unless in an outdoor bin to hold solid waste receptacles along road frontage. Solid waste receptacles may be kept on the driveway adjacent to the dwelling, on side yards, or rear yards.
- B. All solid waste receptacles shall be set out for collection no earlier than 24 hours prior to the day scheduled for collection.
- C. All solid waste receptacles and any uncollected materials shall be removed from the curbside no later than 24 hours from the day scheduled for collection.
- D. All solid waste receptacles and materials set out for collection must only include materials authorized for collection by the Town Board or Superintendent of Highways.
- E. For any property located on a private right of way, all solid waste receptacles or materials shall be placed at the closest intersection with a public highway as may be directed by the Superintendent of Highways. Nothing contained herein shall be construed to permit trespass on any adjoining private property.
- F. Notwithstanding the foregoing, animal proof enclosures constructed, or utilized, along a public highway are permissible for the storage of solid waste receptacles provided they are kept and maintained in a sanitary manner, checked every seven days to ensure all solid waste has been removed from the solid waste receptacles, and the interior of the enclosure together with the area surrounding the enclosure is kept free, clear and clean of all solid waste of any kind or description.

#### **§7. Dumpsters and waste containers.**

- A. No dumpster or solid waste receptacle shall be placed upon any sidewalk, or other public

place, or in the travel lane of any public highway within the Town.

- B. Every dumpster or solid waste receptacle placed within the Town shall comply with the following additional requirements:
- (1) Every dumpster or solid waste receptacle shall be conspicuously marked with the name and address of its owner with lettering no larger than 3 inches.
  - (2) No dumpster or solid waste receptacle shall create an offensive odor, be a health hazard or become a nuisance.
  - (3) All dumpsters and solid waste receptacles shall be covered at all times so as to prevent tampering or entry by unauthorized persons and to hinder the creation of offensive odors, health hazards and nuisances.

### **§8. Restrictions.**

It shall hereafter be unlawful for any person or entity to landfill, incinerate and/or store solid waste, including but not limited to garbage, refuse, industrial and commercial waste, rubbish, ashes, incinerator residue, demolition and construction debris and all hazardous waste, within the Town. Nothing herein shall be construed to restrict or impede any lawfully conducted recycling operations within the Town.

### **§9. Penalties for offenses.**

- A. Any person violating the provisions of this local law shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not exceeding \$250 for each offense (each day of a violation of the terms of this local law constitutes a separate offense) or by an imprisonment of not more than 15 days, or both.
- B. Each day of violation of this article shall constitute a separate and distinct additional violation.
- C. In addition the Town may collect of any person found to be in violation of this local law, the cost of any clean-up of any solid waste of such person not properly collected and disposed of pursuant to this local law. Such costs shall include the Town employee or contractor hours and all other expenses incurred by the Town including the cost of collecting such sums including attorney's fees.

### **§10. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§11. Repealer.** This local law shall supersede all prior local laws and Ordinances relating to

solid waste in the Town, and such prior laws and ordinances are hereby repealed.

**§12. When effective.**

This local law shall take effect upon filing in the office of the New York State Secretary of State.