

TOWN OF DAY
COUNTY OF SARATOGA, STATE OF NEW YORK
Local Law No. 4 of the Year 2024

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 of the residents of the Town of Day (the "Town") by establishing requirements and procedures relating to the collection and disposal of solid waste in the Town.
- B. It is hereby determined by the Town Board of the Town that:
- (i) The improper collection and disposal of solid waste, recyclable materials, landfilling and/or incineration of solid waste and recyclable materials within the Town is likely to constitute a hazard and a menace to the health and safety of the residents of the Town;
 - (ii) 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.
 - (iii) 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.

DUMPSTER — A container commonly used for collection and storage of solid waste for a temporary period and of a size, for purposes of this local law, of no larger than six (6) yards, and not exceeding any size or dimension of which a current or then used Town collection vehicle is capable of lifting and servicing.

GARBAGE — Includes, filth, ordinary kitchen, cooking and household wastes, decaying vegetables, but not including recyclable metal, glass, paper, plastic, cardboard 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,

commercial, agriculture and residential units, but not including tires, hazardous wastes or other materials as the Town Board may determine.

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, not to exceed sixty (60) pounds inclusive of the weight of the solid waste receptacle and solid waste contained therein, and not to exceed twenty (20) gallons in size.

TOWN — Town of Day.

§3. Solid Waste and Recycling Collection.

- A. Under the direction of the Town, there shall be standard solid waste collection and disposal services, and recyclable materials collections services, consisting of such collection times and frequency as may be established by the Town Board, or the Town Highway Superintendent as the Town Board may permit. All property owners shall separate all recyclable materials as the Town Board may determine.
- B. Except as may be designated by the Town Board, regular collection service shall not include removal of items such as tires, refrigerators, construction debris or materials, air-conditioning units, furniture, pipe, auto parts, trees, yard waste and other like items.
- C. The Town recycling center is available for a small fee to Town residents and taxpayers and requires a permit available from the Town Clerk or recycling center attendant. The use of the recycling center is for Town residents and taxpayers only and shall not be used for discharge of commercial haulers, construction and demolition debris, and such other disposal as the Town Board may from time to time determine. Garbage, recyclable materials, and yard debris limited to leaves and grass clippings, may be taken to the recycling center by property owner rather than garbage pick-up.

§4. Duty of owners and occupiers of property.

- A. 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 complying with this local law.
- 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 by the Town collection provided for above, or at the Town's transfer station, provided that the foregoing shall not permit any private carter to dispose of any solid waste or any other materials at the Town recycling center.

§5. Disposal regulations.

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

- A. All solid waste receptacles and dumpsters shall be set out for collection no earlier than 24 hours prior to the day and time scheduled for collection, and all solid waste receptacles and dumpsters and any uncollected materials shall be removed from the

curbside no later than 24 hours from the day scheduled for collection. The Town Board may, by resolution, set and amend the day and time for scheduled collection.

- B. All solid waste receptacles and dumpsters shall be kept in a location that is clear of obstructions including but not limited to snow, vehicles, boats, trailers and similar obstructions. The Town may pass on collecting from any property not complying with the foregoing.
- C. Solid waste must be in tied plastic bags and in closed and secured solid waste receptacle or dumpster so as to prevent access and littering by animals. The Town will not pick up loose garbage or garbage in untied bags. It shall be the responsibility of the owner of the property at which the solid waste is left to be picked up to pick-up any solid waste or loose solid waste that has become scattered from the owner's property for any reason. The Town will not be responsible for loose garbage lids or the condition of any solid waste receptacle or dumpster.
- D. For any property located on a private right of way, only those private rights of way where the Highway Superintendent determines, in his or her sole discretion, that such private rights of way can be serviced by the Town's solid waste collection vehicle shall be serviced by Town solid waste collection. The Highway Superintendent may limit seasonal solid waste collection services due to accessibility, conditions of private rights of way or other reasonable factors as he or she may determine. Where the Highway Superintendent determines that such private right of way cannot be serviced by the Town's solid waste collection vehicle, the owners of property along such private right of way may provide a space at an intersection of such private right of way with a public highway, where solid waste receptacles may be placed in accordance with all other provisions of this local law, upon approval of such location by the Highway Superintendent in his sole discretion. Nothing contained herein shall be construed to permit trespass on any adjoining private property, or to obligate the Highway Superintendent to access private rights of way for solid waste collection. Any owners along any private right of way where solid waste collection services are performed by the Town shall be deemed to have consented to the Town staff and vehicles traveling on such private right of way for purposes of solid waste collection, and the Town shall not be liable for any damage to any such private right of way arising from or related to the Town's solid waste collection services provided to such private right of way property owners
- E. 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, 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.
- F. No dumpster or solid waste receptacle shall be placed in the travel lane of any public highway within the Town.

§6. Violations, Enforcement and 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 violation of this article shall constitute a separate and distinct additional violation.

- B. 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.
- C. The Town may collect and store any solid waste receptacle or dumpster found to be in violation of this local law. Any solid waste receptacle stored for a period in excess of seven (7) days from the collection thereof by the Town may be disposed of by the Town.

§7. 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.

§8. When effective.

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