

Chapter 19  
**SOLID WASTE\***

**Article I. In General**

- Sec. 19-1. Transportation of wastes—Generally.
- Sec. 19-2. Same—Coverings required.
- Sec. 19-3. Time for garbage collection.
- Secs. 19-4—19-25. Reserved.

**Article II. Litter Control**

- Sec. 19-26. Definitions.
- Sec. 19-27. Inspection of premises.
- Sec. 19-28. Right of entry.
- Sec. 19-29. Litter in public places.
- Sec. 19-30. Placement in receptacles; prevention of scattering.
- Sec. 19-31. Sweeping litter into gutters prohibited.
- Sec. 19-32. Merchants' duty to keep sidewalks free of litter.
- Sec. 19-33. Litter thrown by persons in vehicles.
- Sec. 19-34. Litter in parks.
- Sec. 19-35. Litter in lakes and fountains.
- Sec. 19-36. Handbills in public places.
- Sec. 19-37. Handbills on vehicles.
- Sec. 19-38. Distribution of handbills where properly posted.
- Sec. 19-39. Handbills at inhabited private premises.
- Sec. 19-40. Dropping litter from aircraft.
- Sec. 19-41. Posting notices prohibited.
- Sec. 19-42. Litter on private property.
- Sec. 19-43. Owner to maintain premises free of litter.
- Sec. 19-44. Vehicle requirements.

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\*Cross references—Environmental conservation, Ch. 6; nuisances, Ch. 15; sewers and sewage disposal, Ch. 18; dumping of clean fill, refuse, etc., § 24-703.

State law references—Collection, treatment, and disposal of refuse and other solid waste, Environmental Conservation Law, § 27-0101 et seq.; General Municipal Law, §§ 120-w, 120-aa; Town Law, §§ 190 et seq., 221.



**ARTICLE I. IN GENERAL****Sec. 19-1. Transportation of wastes—Generally.**

(a) No person, while transporting through any public street any manure, gravel, dirt, stones, garbage, ashes, refuse or other substances shall permit the same or any portion thereof to escape from the load or bulk being transported and to fall and remain upon any public street within the town.

(b) If any person accidentally discharges upon any public street any manure, gravel, dirt, stones, garbage, ashes, refuse or other substances, he may relieve himself of the penalties provided for by this section by immediately and without delay removing the substance accidentally discharged upon the public street.

(Code 1966, §§ 13-1, 13-2)

**State law reference**—Putting glass or other injurious substances on highway prohibited, Vehicle and Traffic Law, § 1220 et seq.

**Sec. 19-2. Same—Coverings required.**

Any person transporting manure, garbage, refuse or junk or other similar substances through any public street within the town shall be required to completely cover any load or portion thereof of such substances by canvas or other means; in addition, it shall be required that the canvas or other covering be secured or fastened in such a manner so as to prevent the discharge of any of the substances into the public streets.

(Code 1966, § 13-3)

**Sec. 19-3. Time for garbage collection.**

The collection of garbage shall not commence on any day prior to the hour of 7:00 a.m. in the RA-1, RA-2 and RC districts or in any other district when the property is within one hundred (100) feet of an RA-1 or RA-2 district.

(Code 1966, § 13-5; L.L. No. 9 of 1988, § 1)

**Secs. 19-4—19-25. Reserved.**

**ARTICLE II. LITTER CONTROL\*****Sec. 19-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aircraft* means any contrivance used or designated for navigation of or flight in the air. "Aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

*Authorized private receptacle* means a litter storage and collection container which is durable, rust-resisting, and has a tight-fitting cover. Receptacles used for the storage of garbage shall in addition thereto be nonabsorbent, watertight, easily washable, and equipped with handles.

*Commercial handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing.
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales.
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or collected or taken up for the purpose of defraying expenses incidental to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rule of decency, good morals, public peace, safety and good order; pro-

\*State law reference—Litter and solid waste control, Environmental Conservation Law, § 27-1001 et seq.

vided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any local law of this town.

- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

*Garbage* means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, excluding any public notice made in order to comply with the notice requirements of any statute, law or ordinance.

*Litter* means garbage, refuse, and rubbish and all other waste material.

*Newspaper* means any newspaper:

- (1) Of general circulation as defined by general law.
- (2) Duly entered with the United States Postal Service, in accordance with federal statute or regulation.
- (3) Filed and recorded with any recording officer as provided by general law.
- (4) Any periodical or current magazine regularly published with not less than four (4) issues per year that is sold to the public.

*Noncommercial handbill* means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which is not a commercial handbill or newspaper.

*Private premises* means any private dwelling, house, building, or other structure, whether occupied or temporarily or continuously unoccupied or vacant, and shall include any yard, grounds,

walk, driveway, parking area, porch, steps, vestibule or mailbox belonging or appurtenant to such private dwelling, house, building or other structure.

*Public place* means any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground or building.

*Refuse* means all putrescible and nonputrescible solid or liquid waste, including garbage, rubbish, ashes, street cleanings, dead animals, and solid or liquid market and industrial wastes.

*Rubbish* means nonputrescible solid or liquid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboards, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(Code 1966, § 46-2)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

#### **Sec. 19-27. Inspection of premises.**

The ordinance enforcement officer, town police or any other person authorized by the town board shall have the power to enter, at reasonable times, upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this article.

(Code 1966, § 46-18)

#### **Sec. 19-28. Right of entry.**

The town reserves the right on notice to enter on a property where a violation of this article exists and to remove garbage. Within a reasonable time thereafter a bill will be presented to the property owner and on the failure of the property owner to pay same within ninety (90) days, the town shall commence suit to collect same.

(Code 1966, § 46-20(c))

#### **Sec. 19-29. Litter in public places.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, in authorized private receptacles for collection, or in official town disposal areas.

(Code 1966, § 46-3)

**Sec. 19-30. Placement in receptacles; prevention of scattering.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. All receptacles shall have tight-fitting covers which shall be placed on the receptacle at all times that they are being used for refuse or for rubbish which is apt to blow out of the receptacles. (Code 1966, § 46-4)

**Sec. 19-31. Sweeping litter into gutters prohibited.**

No person shall sweep into or deposit in any gutter, ditch, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter. (Code 1966, § 46-5)

**Sec. 19-32. Merchants' duty to keep sidewalks free of litter.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the town shall keep the sidewalks and parking areas on, and the sidewalks and unpaved portion of the highway in front of, their business premises free of litter. (Code 1966, § 46-6)

**Sec. 19-33. Litter thrown by persons in vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town, or upon private property. (Code 1966, § 46-7)

**Sec. 19-34. Litter in parks.**

No person shall throw or deposit litter in any park within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Code 1966, § 46-8)

**Sec. 19-35. Litter in lakes and fountains.**

No person shall throw or deposit litter in any fountain, pond, lake stream, bay or any other body of water in a park or elsewhere within the town, except as permitted by section 19-40. (Code 1966, § 46-9)

**Sec. 19-36. Handbills in public places.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill in any public place. It shall not be unlawful on any sidewalk, street, or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (Code 1966, § 46-10)

**Sec. 19-37. Handbills on vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Code 1966, § 46-11)

**Sec. 19-38. Distribution of handbills where properly posted.**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any

private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, to have any such handbills left upon such premises. (Code 1966, § 46-12)

**Sec. 19-39. Handbills at inhabited private premises.**

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. In case of occupied private premises which are not posted, as provided in the article, a person, unless requested by anyone upon such premises not to do so, may place or deposit a handbill in or upon the premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets, or other public place.

(b) The provisions of subsection (a) of this section do not apply to:

- (1) The distribution of mail by the United States.
- (2) Newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1966, § 46-13)

**Sec. 19-40. Dropping litter from aircraft.**

No person in an aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object, except for the dropping of flowers into the river in connection with the observance of a public holiday.

(Code 1966, § 46-14)

**Sec. 19-41. Posting notices prohibited.**

No person shall post or affix any notice, poster or other paper or device, including any political notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp-post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. Posting of legal notices in such manner shall be legal.

(Code 1966, § 46-15)

**Sec. 19-42. Litter on private property.**

No person shall throw or deposit or suffer to be deposited litter on any private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Code 1966, § 46-16)

**Sec. 19-43. Owner to maintain premises free of litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that:

- (1) Litter may be in authorized private receptacles.
- (2) Grass cuttings, leaves and other inoffensive materials may be stored in heaps or piles within barriers constructed of boards, slats or wire for reduction to compost for use on the premises provided no odors are permitted to emanate therefrom or other nuisances develop.

(Code 1966, §§ 46-2, 46-17)

**Sec. 19-44. Vehicle requirements.**

(a) Every vehicle used for the collection of litter shall have an enclosed body or suitable provision for covering the body; provision and use of a tarpaulin or canvas to enclose the open body of such a vehicle may be permitted.

(b) Every vehicle used for the collection of garbage, or refuse containing garbage shall be kept clean and sanitary and in good running order, and shall have the operator's name, address and telephone number plainly painted on each side in letters at least four (4) inches high. In addition, vehicles used for collection of body wastes, sewage and other liquid wastes shall have a watertight body.

(c) The ordinance enforcement officer, town police or any other person authorized by the town board shall make inspections of the vehicles used for the collection of litter whenever he deems it necessary.

(d) It shall be unlawful for any person engaged in the business of collecting litter or cesspool contents from the premises of any person to make such collection before 6:00 a.m. of any day or after 10:00 p.m. of any day.

(Code 1966, § 46-19)

