

Local Law # 1-2014

THE TRANSFER STATION LOCAL LAW OF THE TOWN OF CLARKSON

Be it enacted by the Town Board of the Town of Clarkson:

Section 1. This local law is enacted pursuant to the authority granted to the Town Board in §64 of the New York State Town Law; Article 2 of the Statute of Local Governments, Article 2 of the Municipal Home Rule Law; and Article IX of the New York State Constitution

Section 2. That the purpose of this Local Law is to provide for the operation of the transfer station operated by the town located on Redman Road.

Section 3. Chapter of the Clarkson Code “**DUMPS AND DUMPING**” is repealed in its entirety.

Section 4. That a new Chapter of the Clarkson Code “**TRANSFER STATION**” is enacted as follows:

See Attached

Section 5. That this local law shall take effect immediately.

Chapter XXX

TRANSFER STATION

§ XXX-1. Title.

This law shall hereinafter be known and cited as "The Transfer Station Local Law of the Town of Clarkson."

§ XXX-2. Purpose and intent.

The Town of Clarkson owns and operates a Transfer Station for the deposit of refuse, brush, rubbish and recyclables. Except for brush, these materials are collected at the Transfer Station and then transferred to the Monroe County for processing. Brush is recycled on site by shredding or similar processes. The purpose of this Chapter is to regulate the access to and use of said Transfer Station.

§ XXX-3. Legislative authority.

This local law is enacted pursuant to the authority granted to the Town Board in §64 of the New York State Town Law; Article 2 of the Statute of Local Governments, Article 2 of the Municipal Home Rule Law; and Article IX of the New York State Constitution

§ XXX-4. Definitions.

For the purpose of this chapter, the terms used are defined as follows:

OPERATOR – the individual employed by the Town of Clarkson who is present on the site during hours of operation.

PERMIT - The evidence of the fee being paid for permission to use the facility. The Permit is issued by the Town Clerk and can only be issued to a Clarkson resident.

PERMIT HOLDER – The resident of the Town of Clarkson holding the Permit.

TRANSFER STATION – That part of the premises owned by the Town of Clarkson located at 3078 Redman Road (tax account number 039.01-1-18) designated by the Highway Superintendent for deposit of refuse, brush, garbage, rubbish and recyclables by persons holding Permits.

XXX-5 Hours of Operation.

Hours of operation shall be established by resolution of the Town Board and shall be posted in the Town Hall, on the Town's Website and at the Transfer Station.

XXX-6 Prohibited Acts.

The following acts are prohibited:

- A. Using the Transfer Station when it is not open;
- B. Depositing material in front of, or in the vicinity of the gate or on the road leading to the Transfer Station.
- C. Disposing of material in an area other than where designated.
- D. Disposing of material without holding a valid permit.
- E. Disposing of material requiring a fee without paying the fee.
- F. Disposing of material not generated in the Town of Clarkson.
- G. Refusing to obey the directions of the Operator on duty.
- H. Disposing of prohibited material as specified in §XXX-7 below.
- I. Disposing of more than the volume Permitted in §XXX-8 below.
- J. Picking, sorting and/or removing any material at the site other than what is in the building designated and marked for that purpose.
- K. Hunting or trapping.
- L. Discharge of firearms.

XXX-7 Prohibited Material.

The following materials are prohibited:

- A. Any material containing asbestos.
- B. Roofing material.
- C. Paint unless it is latex type paint prepared for disposal under Monroe County Guidelines. Paint not allowed to be disposed of at the Clarkson Transfer station can be disposed of through Monroe County.
- D. Anti-freeze.
- E. Hazardous chemicals.
- F. Flammables, unless permitted elsewhere in this Chapter.
- G. Hot ashes.
- H. Lead/acid batteries.
- I. Large animal carcasses.
- J. Wire, unless approved by the Operator.
- K. Material not generated in the Town of Clarkson.
- L. Any material that, in the opinion of the Operator, has the potential to be dangerous.

§XXX-8 Volume of Material Permitted.

- A. Each Permit hold shall be allowed to dispose of a maximum of six (6) thirty (gallon) bags of household garbage a week.
- B. Unlimited recyclables as Permitted by Monroe County Recycling Regulations, providing that the material is sorted and placed in the containers provided.
- C. Unlimited brush and tree cuttings, Christmas trees, lawn clippings, stone and concrete, used motor oil, electronics, metal and glass provided that the material is sorted and place in the containers provided.

§XXX-9. Fees.

The following fees are imposed for use of the Transfer Station:

- A. An annual Permit fee established by resolution of the Town Board.
- B. Fees for the following specific items established from time to time by resolution of the Town Board:
 - 1. Any item containing, or designed to contain, Freon.
 - 2. Tires.
 - 3. Propane Tanks.
 - 4. A fee for junk items such as wood, furniture, metal up to 64 cubic feet in volume. By way of example at pickup truck load measuring 4 feet wide, 8 feet long and 2 feet in height. The Operator shall have a chart giving other dimensions.
- C. The time, place and method of payment of said fees shall be determined from time to time by resolution of the Town Board.

§XXX-10. Revocation of Permit.

- A. The Highway Superintendent shall have the authority to revoke the Permit of anyone who violates the provisions of this Chapter.
- B. The notice of revocation shall be in writing stating the reasons for the revocation.
- C. The notice of revocation shall be filed in the Office of the Town Clerk within two (2) business days. The Town Clerk shall, within two(2) business days, send the Permit Holder a notice of the revocation by first class US Mail, addressed to the address of the Permit Holder shown on the Permit application, or any change of address which the Permit Holder has filed with the Town Clerk.
- D. The Permit Holder shall have fifteen (15) days to appeal the decision in writing to the Town Board.
- E. The Town Board shall hear the appeal within 32 days of the receipt of the appeal. The Town Clerk shall notify the Permit Holder of the time, date and place of the hearing at which hearing the Permit Holder shall be given the

opportunity to testify, cross examine any witnesses presented by the Town and submit evidence on his or her behalf.

F. After the conclusion of the hearing the Town Board shall render a decision by majority vote within 14 days. If the Town Board rules on behalf of the Permit Holder, a prorated fee refund for the period from the initial revocation to the favorable ruling shall be given to the Permit Holder.

G. Should the Permit Holder fail to appeal as provided herein, or should the Permit Holder's appeal be denied there shall be no return of the Permit fee.

H. A Permit Holder who has had a Permit revoked shall not be eligible to reapply for two years and shall not be allowed at the Transfer Station until his or her Permit shall be restored.

XXX- 11 Enforcement.

Except for the Revocation in Section 10 of this Chapter, this Chapter shall be enforced by the Monroe County Sheriff's Department, New York State Police or other peace officers.

XXX-12 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$250 for each such offense or by imprisonment for not more than 15 days, or by both such fine and imprisonment. These penalties shall be in addition to any Permit revocation imposed herein.

XXX-13 Severability.

If any clause, sentence, phrase, paragraph or any part of this chapter shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions been excluded.