

## CHAPTER 13

### SOLID WASTE BURNING ORDINANCE

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SOLID WASTE/BURNING ORDINANCE 13.01

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13.01 GENERAL PROVISIONS. (1) PURPOSE. The purpose of this chapter is to insure the public health, safety and general welfare by controls upon solid waste disposal in the Town.

(2) DEFINITIONS.

Garbage. Any discarded material resulting from handling, processing, storage or consumption of food or beverage products and containers thereof.

Open Burning. Combustion in which the by-products therefrom are emitted directly into the ambient air. It includes the burning of materials in a barrel, stove, grill, fire pit, outdoor fireplace or other container which may hold materials while they are burning, regardless of whether the by-products of combustion first pass through a chimney prior to their emission into the ambient air. This definition does not include the burning of clean wood, brush, leaves, grass clippings, cardboard or charcoal.

Person. Any individual, partner, corporation, joint venture or government entity.

Refuse. Discarded matter resulting from commercial, industrial, residential and community life which is subject to decomposition, not including sewage and garbage, but including materials and debris resulting from construction and demolition.

Waste. Garbage refuse and all other discarded materials, excluding sewage and processed sewage known as sludge.

Yard Waste. Grass clippings, leaves, branches, brush, stumps or other remains from vegetation.

13.02 RESTRICTIONS AND PROHIBITIONS. (1) OPENING BURNING OF GARBAGE. No person shall burn garbage or refuse on any property, private or public, in the Town. This includes the open burning of wet combustible refuse, garbage, oily substances, asphalt and plastic or rubber products. Exempt from this provision is the burning of yard waste; clean, untreated wood; clean, dry, unlined or uncoated paper products; and bailer twine.

(2) OPEN BURNING OF YARD WASTE; CLEAN, UNTREATED WOOD; CLEAN PAPER PRODUCTS; AND BAILER TWINE. Any person with yard waste; clean, untreated wood; clean, dry, unlined or uncoated paper products; and bailer twine generated on their own property may burn these materials on their own property with a valid permit issued by the State Fire Warden, unless other regulations prevent open burning. All allowed open burning shall be conducted in a safe, pollution-free manner,

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when wind and weather

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conditions are such as to minimize adverse effects and in conformance with local and State fire protection regulations. The Town Constable may prevent and suspend open burning under this subsection upon receipt of a complaint about such open burning, and when the by-products of combustion from such open burning appear likely to offend a reasonable person under circumstances then existing.

(3) **DISPOSAL OF SOLID WASTE.** No any person shall bury or burn solid waste on any property, private or public, in the Town.

(4) **EXEMPTIONS.** This chapter does not apply to outdoor wood or coal burning furnaces that are being used for residential or commercial heating purposes, so long as waste, garbage or refuse are not being burned in such furnaces.

13.10 **VIOLATIONS; FORFEITURE.** Any person who violates, neglects or refuses to comply with any provision of this chapter shall be subject to a forfeiture of not more than \$50 for the first violation, \$75 for the second violation and \$100 for the third and subsequent violations, plus the costs of prosecution, including attorney's fees. Each day a violation exists shall be considered a separate and distinct violation of this chapter and all forfeitures under this chapter shall apply accordingly.

13.11 **SEVERABILITY.** The provisions of this chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this chapter irrespective of whether or not one or more provisions may be declared invalid. If any provision of this chapter is invalid or unconstitutional or if the application of this chapter to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications.

13.12 **CONFLICTING ORDINANCES.** Ordinances which conflict with this chapter are hereby repealed.