

ORDINANCE #13

AN ORDINANCE REGULATING THE OPERATION OF A REFUSE DISPOSAL AREA AND PROHIBITING THE DUMPING OR REFUSE ELSEWHERE IN THE TOWN OF BOLTON.

**ADOPTED: JULY 19, 1967
PUBLISHED: JULY 27, 1967
EFFECTIVE: AUGUST 6, 1967**

**AMENDED: SEPTEMBER 6, 1988
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EFFECTIVE: JULY 1, 1989**

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PUBLISHED: SEPTEMBER 11, 1996**

**ADOPTED: SEPTEMBER 2, 1997
PUBLISHED: SEPTEMBER 13, 1997**

SECTION 1

LEGISLATIVE INTENT. By the adoption of this ordinance the Town Board of the Town of Bolton declares its intent to be to regulate the operation within this town of a refuse disposal area and to prohibit the dumping of refuse within the town except at the refuse disposal area established by the Town of Bolton and such other areas as may be hereinafter established by the Town of Bolton. The dumping of refuse in an open area without being treated and covered in the manner herein provided constitutes a menace and threat to the public health, safety, welfare, and morals and can adversely affect the growth and development of this town. Fire odors and fumes are frequently emitted from such open dumps, and are potential public hazard and threat to the person and property of the inhabitants of this town. Therefore, pursuant to the authority contained in the Town section 130, subd. 6, and pursuant to its police power, as contained in the Town Law, section 130 subs. 11 and 15, and pursuant to the requirements of Part 19, of the State Sanitary Code, the Town Board of the Town of Bolton does hereby ordain as follows:

SECTION 2

DEFINITIONS: As used in this ordinance: (a) The term "person" shall mean an individual, group of individuals, partnership, firm, corporation, association, county, city, town, village or improvement district.

(b) The term "refuse" shall mean all putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleaning, dead animals and offal.

(c) The term "dispose" and its derivatives shall mean to dump, deposit, throw, throw away, by a person or by another with the consent or approval, active or passive, of a person in a position to control or prevent the same.

(d) The term "refuse disposal area" shall mean the site established by the Town of Bolton by Section 3 hereinafter, and any other areas hereafter established by the Town of Bolton for the disposal of refuse.

(e) JUNK AUTOMOBILES: Any unregistered, old or second hand motor vehicle, no longer intended or in condition for legal use on the public highways. The term "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural activities.

SECTION 3

TOWN REFUSE DISPOSAL AREA. RESTRICTIONS ON USE. The premises owned by the Town of Bolton near the Town Highway Garage is hereby established as a refuse disposal area for the town. This ordinance shall also apply to any other areas hereafter acquired or leased by the Town for a refuse disposal area.

(b) No person shall dispose of refuse at the refuse disposal area hereinabove established for the Town of Bolton, except at the places and in the manner directed by the person in charge of the designated or by a sign or signs erected at the area by the authority of the Town Board.

(c) No person shall dispose of the refuse at the refuse disposal area hereinabove established for the Town of Bolton, which originated or was collected from outside of the Town of Bolton.

(d) No person shall receive or accept for disposal or deliver, dump or offer for disposal any refuse on any land or at any location, site or area in the Town of Bolton other than the refuse disposal area hereinabove established.

(e) No person shall receive or accept for disposal or deliver, dump or offer for disposal any article, waste or material other than refuse at the refuse disposal area hereinabove established. Such articles, wastes or material may be disposed of only in other areas owned by the Town, provided such areas are established and designated, and then only at such places and in the manner directed by the person in charge of such areas under the authority of the Town Board, if such person is so designated, or by sign or signs erected at the area by the authority of the Town Board.

(f) No person shall dispose of any junk automobile or any part thereof at the refuse disposal area.

(g) No person shall dispose of household trash or refuse by disposing the same in trash containers maintained by the Town of Bolton on public sidewalks or located on property owned and maintained by the Town of Bolton.

SECTION 4

VIOLATING OF ORDINANCE AN OFFENSE: PENALTIES THEREFORE.

a) Any person who commits or permits any act or acts in violation of any provisions of this ordinance shall be deemed to have committed an offense against the ordinance, and also shall be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

b) For every violation of any provision of this ordinance the person violating the same shall be subject to a fine of not more than \$1000.00 or imprisonment not exceeding 30 days, or by both such fine and imprisonment.

c) Any person violating this ordinance shall be subject to a civil penalty enforceable and collectable by the Town in the amount not to exceed \$1000.00 for each such offense. Such penalty shall be collectable by and in the name of the Town for each day that such violation shall continue.

d) In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

SECTION 5

Saving Clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6

Effective Date. This ordinance shall take effect ten days after publication and posting or immediately upon personal service as provided by Section 133 of the Town Law.