

## TOWN OF VIRGIL

### PROPOSED LOCAL LAW #1 FOR THE YEAR 2019

A local law to establish procedures and requirements for the use of the Town of Virgil Solid Waste Transfer Station.

#### **SECTION 1. TITLE**

This law shall be known and may be cited as the Town of Virgil Transfer Station Law

#### **SECTION 2. PURPOSE AND INTENT**

It is the purpose and intent of this Local Law to provide for the health, safety and welfare of the residents of the Town by establishing the rules, regulations and procedures for the use of the Solid Waste Transfer Station owned and operated by the Town. The Town Board finds that this local law is necessary to control the amount and type of waste that is currently being brought to the Transfer Station.

#### **SECTION 3. DEFINITIONS**

Solid waste and all related materials shall have the same definitions as found in the New York State Environmental Conservation Law and its implementing regulations, 6 NYCRR Part 360, as amended.

#### **SECTION 4. LOCATION OF TRANSFER STATION**

The location of the Transfer Station shall remain at its current site located on VanDonsel Road within the Town.

#### **SECTION 5. GENERAL RESTRICTIONS AND PROHIBITIONS ON USE**

(A) No person or entity shall carry or leave, or cause to be carried or left on the transfer station property, any solid waste or any material of any kind which shall give off any offensive odor, either when left upon the premises or thereafter, or which may thereafter create a nuisance of any kind, or which shall be or may become dangerous to human or animal life.

(B) Only persons who are residents of the Town of Virgil, owners of real property in the Town of Virgil, or individuals who operate a business in the Town of Virgil, may use the Transfer Station. In addition, only solid waste actually generated in the Town of Virgil may be disposed of at the Transfer Station.

(C) Any non-resident of the Town of Virgil who owns real property in the Town must apply for a special permit to use the transfer station for solid waste generated in the Town. A special 30 day permit may be issued by the Town Supervisor if it is determined that the type and amount of solid waste will not adversely affect the operation of the transfer station.

(D) No person shall deposit or otherwise dispose of any solid waste or any item of any kind at the Transfer Station in an area not authorized by the Attendant(s) hired and employed by the Town of Virgil. In addition, persons are to obey all signs erected at the Transfer Station either by the Town of Virgil or the Attendant with the Town's approval.

(E) No person shall bring to the Transfer Station any material that is prohibited under the Environmental Conservation Law or its implementing regulations.

(F) No person shall bring to the Transfer Station any material that is not accepted at the Cortland County Landfill.

(G) No person shall bring to the Transfer Station any construction and demolition debris, except for incidental amounts that cannot be easily separated from the solid waste.

(H) No person shall bring to the Transfer Station any item which is longer than 3 feet in length.

(I) No person shall bring to the Transfer Station any load which is greater than 3 cubic yards in volume.

(J) No persons shall bring to the Transfer Station any items that cannot be readily inspected. Black plastic bags containing waste will not be accepted.

(K) All loads shall be covered and secured during transport to the Transfer Station.

## **SECTION 6. HOURS OF OPERATION**

The days and hour of the Transfer Station's operation are as follows:

<u>Day</u>	<u>Hours</u>
Monday	1:00 p.m. to 5:00 p.m.
Tuesday	1:00 p.m. to 5:00 p.m.
Wednesday	1:00 p.m. to 5:00 p.m.
Saturday	8:00 a.m. to 1:00 p.m.

The Transfer Station shall be closed on all legal holidays and any other day that the Town of Virgil, in its sole discretion, deems appropriate. In addition, the Town of Virgil may at any time change the days and hours of operation of the Transfer Station. It is absolutely prohibited for any person or entity to bring to or dispose of any solid waste at the Transfer Station on days and hours that the Town of Virgil is not operating the Transfer Station. The hours of operation may be revised by resolution of the Town Board.

## **SECTION 7. IDENTIFICATION CARDS**

In addition to the residency requirements stated in this Local Law, all individuals who desire to use the Transfer Station must have a current identification card issued by the Town of Virgil. The Town of Virgil may charge a fee for the issuance of an identification card and shall establish the period of time that any identification card is valid. This fee shall be set by resolution of the Town Board. The identification cards are the property of the Town and must be returned to the Town upon request.

## **SECTION 8. PENALTIES**

The Town Board of the Town of Virgil may either temporarily or permanently deny the privilege of using the Transfer Station for failure to comply with this local law. Any person who violates any provision of this local law shall be responsible for all costs incurred by the Town which result from such violation, including reasonable attorneys' fees.

## **SECTION 9. SEPARABILITY CLAUSE**

If any part or provision of this Local Law or the application thereof to any person or circumstance is determined to be invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and it shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

## **SECTION 10. REPEAL**

All prior Ordinances and Local Laws pertaining to the Transfer Station owned and operated by the Town of Virgil are hereby repealed.

## **SECTION 11. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with the Municipal Home Rule Law.