

Chapter 58**HAZARDOUS WASTES**

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[HISTORY: Adopted by the Town Board of the Town of New Baltimore 12-8-81 as L.L. No. 1-1981. Section 58-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 58-1. Legislative intent.

It is hereby declared that to preserve the public health and welfare of the citizens of the Town of New Baltimore and to ensure a safe environment for them, for their future generations and for life in general, that immediate and effective measures for controlling the disposal of hazardous wastes and other wastes be enacted, pursuant to Town Law § 130.

§ 58-2. Definitions.

Unless the context specifically indicates otherwise, the meanings of the terms used in this chapter shall be as follows:

HAZARDOUS WASTE:

- A. A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or biological characteristics, may:

- (1) Cause or significantly contribute to an increase in serious, irreversible or incapacitating reversible illness; or

(2) Cause or significantly contribute to a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

B. Such wastes shall include but not be limited to wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing or infectious, and shall include wastes that are solid, semisolid, liquid or contain gases. Final determination of whether or not a waste is "hazardous" shall be made by the New York State Environmental Conservation Department.

INDUSTRIAL WASTE - Wastes in semisolid or solid form generated by industrial or commercial processes of any nature by any person, including but not limited to residue, sludges, greases, oils, solvents, spent chemicals, acids, clay, cinders and similar wastes, but does not include wood, paper and packaging materials.

PERSON - Any individual, public or private corporation, political subdivision, government agency, department of the state or United States, partnership, industry, association, firm, trust, estate or any other legal entity.

SEWAGE WASTE - Any liquid, solid or semisolid waste from septic tanks, cesspools, domestic sewer systems and sewage treatment facilities, whether such wastes are treated or-untreated.

SILT - The sediment, alluvial deposit, mud, gravel, sand, rock, clay or other sedimentary material of a river, stream, creek, lake, pond or other body of water.

TOWN - The Town of New Baltimore.

§ 58-3. Compliance and special permit required.

No person shall cause or permit the generation, disposal, dumping, depositing, burial, transportation, treatment or storage of any hazardous wastes in the town, except in complete compliance with all current and applicable laws, rules and regulations of the New York State Department of Environmental Conservation, New York State and the federal government, and further except by special permit of the Town Board.

§ 58-4. Disposal of industrial and sewage wastes.

- A. No person shall cause or permit the disposal, dumping, depositing, burial or storage of any industrial waste products or sewage wastes from any source whatsoever originating outside the town on any land within the town, except by special permit issued by the Town Board, and except in complete compliance with all applicable state and federal laws, rules and regulations.
- B. Upon issuance of a special permit by the Town Board, industrial waste products or sewage wastes originating within the town may be disposed, dumped, deposited and buried in a sanitary landfill approved and operated in accordance with the New York State Environmental Conservation Department rules and regulations; provided, however, that in the event that the town does not operate its own sanitary landfill and contracts with another municipality for use of its facilities by town citizens, any additional laws, rules or regulations applicable to any such facilities shall apply.

§ 58-5. Disposal of silt.

No person shall cause or permit the disposal, depositing or dumping or burial of any silt on any land within the town, except upon permit issued by the Town Board and in accordance with all applicable state and federal laws, rules and regulations.

§ 58-6. Penalties for offenses.¹

- A. Any violation of this chapter shall render the owner of this land and the person or persons disposing of said material subject to a fine not to exceed the sum of two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both, for each and every offense. The commission of a single act prohibited by this chapter shall constitute a separate violation hereof, and each day of such violation shall constitute a separate offense, punishable as such.
- B. In addition to any criminal actions as stated herein, the town may subject such violator to a civil penalty or fine payable to the town in an amount of fifty dollars (\$50.) per day for each offense.

¹ Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. 1

C. The town may seek an injunction to restrain any activities in violation of this chapter in a court of competent jurisdiction.