

Town of Otsego

A local law pertaining to the prohibiting of open burning of garbage, trash, rubbish, and debris.

Be it enacted by the Town Board of the Town of Otsego as follows:

Section 1. Purpose: The purpose of this law is to protect the health, safety, and welfare of the residents of the town and the environment by prohibiting the burning of garbage and rubbish in any burn barrels, open pits, outdoor or indoor fireplaces, incinerators, woodstoves, or in any other mechanism for burning garbage and rubbish.

This law is intended to go along with the fact that many materials are recyclable at no charge or compostable and the transfer station is within 10 miles of all residents.

This law is not intended to prohibit the legitimate use of indoor or outdoor fireplaces, woodstoves, furnaces, barbecue pits, or grills, nor to prohibit any burning for which a permit is obtained by the Department of Environmental Conservation or any other proper issuing authority. The burning of brush is not prohibited but the practice of composting or natural decay is encouraged.

Section 2. Authority: This local law is enacted pursuant to the provisions of the Municipal Home Rule of the State of New York.

Section 3. Title: The title of this law shall be ³Law Banning Open Burning of Garbage and Rubbish in the Town of Otsego.²

Section 4. Definitions:

1. Garbage : The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

2. Rubbish : Solid or liquid waste materials, including but not limited to rags, furniture, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials including but not limited to sheet rock, chip board, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, dead animals or animal parts, metal goods including but not limited to refrigerators, stoves and like appliances, diapers, (yard) grass clippings, paper and paper products, packaging materials,

styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.

3. Zoning Enforcement Officer : The Zoning Enforcement Officer of the Town of Otsego or such other person appointed by the Town Board to enforce the provision of law or code of the Town of Otsego, including this law.

Section 5. Prohibited Activities: It shall be unlawful for any person to burn garbage or rubbish in any burn barrels, open pits, outdoor or indoor fireplaces, incinerators, woodstoves, or in any other mechanism for burning garbage or rubbish.

Section 6. Procedures: Upon observing or receiving a complaint with respect to a violation of this law, the Zoning Enforcement Officer shall respond to the source of the complaint. If the Zoning Enforcement Officer finds probable cause to believe there has been a violation of this law, he or she shall issue a citation to the offending person or persons ordering the person or persons to respond to the charge in the Justice Court for the Town of Otsego not more than 30 days after the issuance of the citation. The original citation should be filed with the Justice Court for the Town of Otsego.

Section 7. Penalties: The penalty to be imposed for violation of this law shall be a fine of:

First Offense: Education consisting of DEC flyer and other materials.

Second Offense: Up to one hundred dollar (\$100) fine. Offender will receive three, \$3 dollar coupons for trash disposal at any Otsego County transfer stations.

Third Offense: Up to two hundred and fifty dollar (\$250) fine.

Section 8. Separability: Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 9. Repealer: This local law shall supersede all prior local law ordinances, rules and regulations relative to the open burning of garbage or rubbish within the Town of Otsego, and they shall be upon the effectiveness of this local law, null and void.

Section 10. Effective Date: This local law shall be effective July 1, 2006.