

CHAPTER 38

WASTE MATERIALS DUMPING PROHIBITED

§38.1 **Legislative intent**

The intent of this local law is to regulate, control or prohibit the dumping, storing or placing of certain kinds of solid or liquid waste material originating from inside or outside the boundaries of the Village of Avon or creating a dump or dumping ground of such materials within the Village.

§38.2 **Definitions**

1. The terms "solid waste" or "liquid waste," as used in this chapter unless the context or subject matter otherwise requires, means all putrescible and nonputrescible solid wastes including garbage, human sewage, rubbish, ashes, incinerator residue, street and building demolition and construction debris, metals, abandoned vehicles, offal, commercial and industrial wastes, and hazardous and toxic wastes as defined by D.E.C. and the E.P.A.

2. The term "personal" shall include an individual, firm, partnership, corporation, municipality or association of individuals.

3. The term "dump" shall mean a place used for the disposal and leaving of solid or liquid waste by the public or by any person.

§38.3 **Prohibition**

A. The dumping, storing or placing of any kind of solid or liquid waste material within the Village of Avon which is picked up, brought or transported from inside or outside the Village of Avon is hereby prohibited.

B. The creation and/or operation of sanitary landfills, dumps or dumping grounds within the Village of Avon for solid or liquid waste coming from inside or outside the boundaries of the Village of Avon is prohibited.

C. There shall be no prohibition against the normal garbage and refuse collection and disposal currently sanctioned by the Village or the legal operation of a junk yard as provided by Chapter 15 of the Village of Avon Municipal Code.

§38.4 **Penalties**

Any person violating any of the provisions of this local law shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) for each offense or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The Village Board shall also have the power to bring civil action to restrain any violation of this local law in a court of competent jurisdiction. When a violation of this local law is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct offense.

§38.5 **Severability**

If any section, paragraph, subdivision or provision of the local law shall be adjudged invalid or held unconstitutional, the same shall not effect the validity of this local law as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

§38.6 **Repealer**

All prior ordinances, local laws or resolutions or parts of ordinances, local laws or resolution of the Village of Avon inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency, and in all respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

§38.7 **Effective date**

This local law shall take effect immediately.

Historical Note

Chapter 38 was added by Local Law #7 of 1990, filed October 29, 1990.