

Chapter 125

SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Liberty as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. 93.

Sewers and sewage — See Ch. 121.

ARTICLE I

Garbage, Rubbish and Refuse **[Adopted 8-9-1990 by L.L. No. 4-1990]**

§ 125-1. Legislative intent.

By the adoption of this article, the Town Board of the Town of Liberty declares its intent to be to regulate, in a manner consistent with the interest of the citizens of the Town of Liberty, the dumping of garbage, rubbish, refuse and similar waste material on lands within the Town and to provide for the disposal thereof on established Town dumps. Garbage is a deleterious substance, and garbage dumps emit obnoxious odors and fumes. Unattended private garbage dumps and disposal areas attract rodents and vermin and become breeding places for them. The process of burning garbage causes smoke and oxidized garbage to be given off into the air which the community breathes. All of these conditions can adversely affect the development of the Town unless they are properly and carefully regulated. Therefore, recognizing the above and the need of the community for an adequate and well-regulated procedure for the disposal of garbage and rubbish and in the exercise of its police power in these regards, the Town Board of the Town of Liberty does hereby enact this article.

§ 125-2. Scope.

This article shall apply to dumping of garbage and refuse upon all lands, public or private, within this Town outside any incorporated Village.

§ 125-3. Establishment of public dump.

The Town Board hereby establishes as a Town dump or dumping ground and garbage and refuse disposal area the transfer station owned by the County of Sullivan situate near the Hamlet of Ferndale, which premises are described in a deed from Irving Steinkol to the Town of Liberty, dated March 9, 1965, and recorded in the Sullivan County Clerk's Office March 9, 1965, in Liber 691 of Deeds, Page 81, and deeded to the County of Sullivan on November 3, 1989, and recorded in the Sullivan County Clerk's Office on November 28, 1989, in Liber 1387 of Deeds, Page 619. The Town Board shall have the right to designate, by resolution, other areas as Town dumping grounds and garbage and refuse disposal areas.

§ 125-4. Littering and dumping prohibited. [Amended 3-20-2006 by L.L. No. 2-2006]

- A. No person shall throw, deposit or place or permit to be thrown, deposited or placed in or upon any public place or upon any private property or upon any highways within the Town of Liberty, except the lands designated as a Town dumping ground or within a lawfully established garbage or refuse disposal facility or receptacle, any item or items of garbage, refuse, trash, rubbish or litter such as and including, but not limited to, bottles, cans, papers, fast-food containers or wrappers.
- B. No person shall use any of the lands or highways within the Town of Liberty as a dump or dumping grounds, except the lands designated as a Town dumping ground or a lawfully established garbage or refuse disposal facility, nor shall any person throw, dump, deposit or place on such lands or highways or cause to be thrown, dumped, deposited or placed on such lands or highways any waste material or waste substances consisting of household garbage, refuse or trash, commercial garbage, refuse or trash, agricultural garbage, refuse or trash, industrial waste resulting from construction, manufacturing, commercial or industrial processes, appliances, mattresses, furniture, metals, wire, rubber products, tires, abandoned motor vehicles or parts thereof, abandoned machinery, abandoned equipment, construction and demolition debris, dead animals or any noxious or offensive matter, nor shall any person dispose of or attempt to dispose of any such materials, substances or matter by burying the same on such lands or highways or by burning or incinerating the same on such lands or highways, except in an incinerator located in an enclosed building or structure, which incinerator has been approved by the New York State Department of Health and/or the New York State Department of Environmental Conservation and the Town of Liberty.

§ 125-5. Use of Town dump.

- A. No person shall deposit or cause to be deposited any substance of any kind on premises established as a public dump of this Town except at the places and in the manner directed by the person in charge of the premises under the authority of the Town Board or by a sign or signs erected upon the premises by the authority of the Town Board.
- B. No person shall carry or leave or cause to be carried or left upon the premises designated by the Town Board as dumping grounds any automobile vehicle, machine, appliance or other article or any part thereof unless the same shall have been dismantled and compacted so as to permit the same to occupy a minimum of space.
- C. No person shall deposit or cause to be deposited on premises established as a public dump of this Town any substance of any kind which originated or was collected from outside of the Town of Liberty.
- D. No manure or sewage of any kind shall be deposited in any Town dump.¹

§ 125-6. Garbage containers.

¹. Editor's Note: Former Subsection E, regarding recyclables, which immediately followed this subsection, was deleted 7-8-1996 by L.L. No. 4-1996. See now Article II, Recycling.

All persons shall deposit all garbage in watertight containers provided with tight covers which shall prevent the access of flies, animals or rodents. These containers shall be of such size and number as to provide storage for at least one day's accumulation and, during the summer months, shall be emptied and cleaned once daily where necessary and, during the remainder of the year, at least twice weekly.

§ 125-7. Accumulation of garbage.

No person shall allow an accumulation of garbage, offal or noisome substances upon the premises owned or occupied by him or her, except for the purpose of being collected, and no garbage or mixed refuse shall be burned in an open fire or in a metal basket, can or drum in any part of the Town.

§ 125-8. Inscription on trucks.

On each side of every refuse truck there shall be legibly inscribed, in painted letters not less than three inches high, the name and address of the owner of such refuse truck or of the person, firm or corporation having the license. No decals or magnetic signs will be permitted.

§ 125-9. Collection licenses.

- A. No person shall engage in the business of collecting garbage, offal, ashes, refuse, rubbish or noisome substances within the Town of Liberty without first obtaining a license from the Town Clerk and paying the appropriate fee. A fee must be paid per year for each and every vehicle licensed for collection. The license year shall be from January 1 to December 31 of each year.
- B. Every license issued by the Town Clerk pursuant to this article shall be subject to the following conditions and to such other reasonable conditions as may be imposed by the Town Board:
 - (1) Vehicles used by licensed waste collectors in the collection and transportation of garbage, mixed refuse or any other kind of waste within the area of the Town of Liberty shall have watertight enclosed bodies.
 - (2) All vehicles used by licensed waste collectors shall be available for inspection by the Town Board or any other person or persons whom it may designate as its agent prior to the issuance of any license pursuant to the provisions of this article.
 - (3) Upon payment of the license fee for each and every vehicle used in such collection and transportation as set forth in this article and approval by the Town Board of the application therefor, the Town Clerk shall issue a license to the owner, together with a sticker, which shall be affixed to the windshield of each and every such vehicle and on which shall be set forth clearly the official number of such license with the words "Town of Liberty Refuse Collection License."
 - (4) Renewal licenses shall be issued in the same manner and subject to the same conditions as original licenses and also subject to any additional requirement for renewal of the license applied for.

- (5) No license or permit issued under the provisions of this article shall be transferable.
- (6) The Town Board shall have the power to suspend or revoke a license granted or renewed pursuant to this article for any of the reasons as may be set out in this article.

§ 125-10. Private disposal.

Any person disposing of his or her own garbage by carrying the same to Town-designated dumps shall hold or carry such garbage in a leakproof metal container with an airtight metal cover or a leakproof metal body, which metal container or body shall be completely enclosed.

§ 125-11. Parking and storage of refuse vehicles.

- A. No vehicle used in the collection or transportation of garbage, refuse or waste matter shall stand overnight with said matter in or on it.
- B. No such vehicle shall be parked or stored in a residential district or public place when not being used in the actual collection or transportation of said matter.

§ 125-12. Rules and regulations authorized.

The Town Board shall have the right to prescribe, by resolution, rules and regulations providing for the method and manner of dumping, the time during which dumping shall be permitted and any other rules and regulations required for the proper operation of Town dumps. The transfer station shall be operated and controlled by the County of Sullivan.

§ 125-13. Penalties for offenses. [Amended 10-18-2004 by L.L. No. 4-2004; 3-20-2006 by L.L. No. 2-2006]

- A. Any person committing any offense against any provision of § 125-4B of this article shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. The continuation of an offense against any such provision of § 125-4B of this article shall be a separate and distinct offense hereunder for each period of 24 hours the offense is continued.
- B. Any person committing any offense against any other provision of this article shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against any such provision of this article shall be a separate and distinct offense hereunder for each period of 24 hours the offense is continued.
- C. 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 any violation of this article.

§ 125-14. Enforcement procedures. [Added 10-11-1990 by L.L. No. 6-1990]

- A. Policy and purpose.

- (1) As provided in the regulations of this article, the sanitary and safe disposal of garbage, refuse and rubbish is essential to the public welfare, health and safety of the inhabitants of the Town of Liberty.
 - (2) The prompt and sanitary removal of all garbage, refuse and rubbish is indispensable for the purposes of this article, particularly for those seasonal establishments upon their cessation of the seasonal operation.
- B. Duty of owner or operator. It shall be the responsibility of the owner and the operator of any facility in the Town of Liberty to comply fully with the regulations contained in this article and, in particular, for those seasonal establishments upon the cessation of activities for the season or otherwise.
- C. Time limit; performance of work by Town. Within three days of cessation of operation or within three days of written notice by the Code Enforcement Officer served personally on the owner or operator or posted upon the affected premises, the garbage, refuse or rubbish shall be completely removed and disposed of in accordance with the regulations of this article, and the facilities shall be properly cleaned and secured. Upon failure of the owner or operator to comply, the Code Enforcement Officer may cause the work to be performed, either by independent contractor or Town employees, at the sole cost and expense of the owner or operator thereof, together with administrative charges as hereinafter provided.
- D. Notice of charges.
- (1) Upon the completion of the removal of garbage, refuse or rubbish by the Town, the Code Enforcement Officer shall serve a bill upon the owner and the operator of the premises, if known; otherwise, notice shall be mailed to the last known owner at the address as shown on the records of the Town Assessor for the actual and necessary expenses incurred by the Town in removing and disposing of such garbage, refuse or trash, bringing the premises to the standards required by this article, and an additional charge of 50% of such costs for administration and supervision; together with a notice that, unless payment is received in full within 30 days after the date of such bill, the same shall be reported to the Town Board of the Town of Liberty for adding such charges as an assessment to be levied against the premises upon which the work was performed and that interest shall run at 12% per annum from the date of rendering of the bill until such charges are paid. The Town shall have the option to enforce payment in any other legal manner that it may choose.
 - (2) Upon serving the notice, the unpaid charges shall constitute a lien upon the affected premises.
 - (3) The Town Board may annually cause a statement to be prepared setting forth the amount of each lien for garbage, refuse or rubbish removal, the real property affected thereby and the name of the person in whose name such real property is assessed. Such statement shall be presented to the Town Board on or before the date other assessments are required to be presented to the Town Board by law. The Town Board shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as Town taxes, and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be

collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of Town taxes.

- E. The imposition of a lien for payment of the charges for the removal of garbage, refuse or trash shall not in any way constitute a defense for any criminal proceeding brought under this article.

ARTICLE II

Recycling

[Adopted 7-8-1996 by L.L. No. 4-1996]

§ 125-15. Purpose.

It is the goal of the Town of Liberty to facilitate the disposal of solid waste generated within the Town in the most economical and environmentally acceptable manner and to reduce the total amount of solid waste disposed of in the Town. It is the purpose of this article to establish a source separation and recyclables collection program within the Town to reach the goal of the most feasible recycling of the Town waste stream, considering costs, marketability of recyclables and public involvement. It is hereby found and determined that, in order to ensure the greatest public involvement, such a program must be made mandatory. This program is further designed to protect the health, safety and general welfare of the Town of Liberty, New York.

§ 125-16. Definitions.

For the purposes of this article, the following terms shall have the meanings stated in this section:

ALUMINUM — Pure aluminum in any form, including but not limited to cans, cooking utensils, aluminum foil and lawn furniture.

BOARD — The Town Board of the Town of Liberty, New York.

BRUSH — Tree branches not exceeding two inches in diameter, twigs and shrub and hedge clippings.

BULK ITEMS — Large items and materials, including furniture, other than aluminum yard furniture, house furnishings, large appliances, such as refrigerators, stoves, washing machines and clothes dryers, and automobile or other motor vehicle tires.

COLLECTIBLE YARD WASTES — Grass, leaves and waste plant and dirt materials from vegetable and flower gardens, lawns and yards and brush.

CORRUGATED CARDBOARD — Cardboard shipping containers.

DISPOSAL FACILITY — Any solid waste management plant or site owned and operated by the Village or permitted to receive solid waste originating from within the Town of Liberty.

ESTABLISHMENT — The owner, agent, landlord, tenant or occupant of commercial, industrial and institutional facilities. Establishments which contract for the private collection of refuse are excluded from the program.

HAZARDOUS SUBSTANCE — Any hazardous or toxic substance material or waste which is

or becomes regulated by any local or state governmental authority or the United States Government.

INDUSTRIAL WASTE — Waste generated by any industrial process or operation.

MULTIPLE RESIDENCE — A building or parcel of land having three or more dwelling units.

NEWSPAPERS — Newsprint. It does not include glossy magazines or materials.

PERSON — One or more individuals; any partnership; corporation, firm, association, trust, estate or governmental entity; and any other entity whatsoever.

PRIVATE CARTER — A contractor providing collection of solid waste services in the Town.

RECYCLABLE COLLECTOR — A contractor under contract with the Town of Liberty to provide collection of recyclables subject to the terms and conditions of said contract with the Town of Liberty, New York.

RECYCLABLE MATERIALS — Clear (flint), green and brown glass bottles; jugs and jars; aluminum, copper, stainless steel and brass; newspapers; corrugated cardboard; tin cans; and high-density polyethylene (HDPE) containers, such as those used for milk, oil, detergents, apple cider, etc. "Recyclable materials" does not include plate glass, broken glass, window glass or any other type of glass not specified in this definition nor recyclable materials unsuitable for recycling because of secondary household use.

RECYCLING CONTAINER — Refers to that container available from and/or provided for by the Town of Liberty as well as any other container that is made of metal or plastic, having handles on the side and shaped so that all materials flow freely when dumped and weighing not more than 30 pounds.

REFUSE — The rubbish and recyclable materials resulting from the normal day-to-day operation of a household or business. "Refuse" may be generated by a household, a business establishment or a public or quasi-public facility. "Refuse" does not include rubble, bulk items, industrial waste, collectible yard waste or any other material not covered under this definition.

RESIDENCE — A building or parcel of land having no more than two dwelling units.

RESIDENT — A person residing in a residence.

RUBBISH

- A. Food wastes, including but not limited to table cleanings; fruit, vegetable and animal parings and scraps; decaying or spoiled vegetable, animal and fruit matter; and fallen fruit.
- B. Any paper, plastic, cardboard or other material used to wrap, cover or contain food, other than certain HDPE or glass containers defined in this section as recyclable materials and any other household waste resulting from the use, consumption and preparation of food.
- C. Metal (other than pure aluminum, copper, stainless steel or brass).
- D. Miscellaneous waste material, including rags, drugs, health aids and materials, sweeping, excelsior, rubber, leather, cloth, clothing, magazines, paper (other than newspapers), waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt,

filth, ashes, wood, glass (other than certain glass bottles, jugs and jars defined in this section as recyclable wastes), brick and other similar waste material. "Rubbish" does not include recyclable materials, bulk items, rubble or any other material not covered under this definition.

RUBBLE — Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, Sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and any similar material.

§ 125-17. Designation of materials to be collected.

- A. The Board shall be responsible for collecting or causing the collection of, on a regular basis, only those waste materials which constitute refuse generated by a residence or establishment within the Town of Liberty.
- B. The Board shall also be responsible for collecting or causing the collection of any additional waste materials generated by residences which the Town may announce will be collected on particular days or during particular time periods. These additional waste materials may include, for example, bulk items, trees, tree stumps and large branches. The Board shall be responsible for collecting or causing the collection of any such additional waste materials only on the days or during the time periods announced by the Board.
- C. The Board shall not be responsible for collecting any waste materials which have been placed or prepared in ways that do not comply with all the provisions of this article. In particular, the Board shall not be responsible for collecting waste materials consisting of recyclable and nonrecyclable materials mixed together or recyclable materials which have not been placed or prepared in accordance with this article nor shall the Board be responsible for the collection of waste materials generated other than from a residence or establishment within the Town of Liberty.

§ 125-18. Placement of collectible materials.

- A. No person shall place any waste materials at or near any curb, sidewalk, alley or street for purposes of collection other than the following:
 - (1) Refuse.
 - (2) On particular days or during particular time periods, any other waste material which the Board has announced will be collected at those times.
- B. No person shall place any rubbish at or near any curb, sidewalk or street for purposes of collection unless that person complies with the following requirements:
 - (1) Each person shall provide and utilize disposable plastic bags for disposal of rubbish. Any such bag shall be at least 1.5 mills thick and sufficiently strong to contain the materials enclosed. When filled, each such bag shall be securely tied and weigh no more than 30 pounds.
 - (2) Each person shall utilize separate containers for disposal of bagged rubbish. Any such container shall be made of metal, plastic or other suitable material, shall have tight-

- fitting covers, shall have handles on the top and sides and shall be shaped so that all materials flow freely when the container is dumped. No such container shall exceed 32 gallons in capacity, and, when filled, no such container shall weigh more than 30 pounds.
- (3) Each bag of rubbish placed for collection shall be free of recyclable materials and other materials not covered under the definition "rubbish."
- C. No person shall place any recyclable materials at or near any curb, sidewalk or street for the purposes of collection unless that person satisfies the following requirements:
- (1) Recyclable materials shall be placed separately from other refuse placed for collection.
 - (2) Newspapers. Newspapers shall be piled and securely tied with string/twine in bundles measuring approximately 36 inches in length, 12 inches in height or shall be placed in paper bags strong enough to contain them. Newspapers shall not contain magazines, glossy advertising material frequently inserted in newspapers or any other waste-type of paper. Newspapers shall be kept dry by appropriate means until they are collected.
 - (3) Glass, cans and containers.
 - (a) Glass bottles, jugs and jars shall be rinsed of original contents and shall have all neck rings, foil or other metal removed. Paper labels may be left on bottles, jugs and jars.
 - (b) Tin cans and high-density polyethylene (HDPE) containers shall be rinsed of original contents and flattened. Paper labels must be removed from such containers.
 - (c) Recyclable glass, tin cans and HDPE containers shall be separated and placed in one or more recyclable containers.
 - (4) All metals such as aluminum, copper, stainless steel and brass, as well as items consisting of mixed or composite metals, shall be the responsibility of the person or establishment as herein defined.
 - (5) Cardboard.
 - (a) Corrugated cardboard shall be flattened, folded and securely tied in bundles no larger than thirty-six by thirty-six by thirty-six (36 x 36 x 36) inches in size and weighing no more than 30 pounds.
 - (b) Corrugated cardboard shall be kept dry by appropriate means until it is collected.
 - (6) Newspaper and corrugated cardboard shall not be mixed together and shall be placed adjacent to, on or on top of the recyclable container for collection.
 - (7) Glass, tin cans, HDPE containers, aluminum and other recyclable metals may be placed in one or more recyclable containers for collection.
 - (8) No materials, other than recyclable materials prepared in accordance with this article,

shall be placed in a recyclable container for collection.

- D. When the Board has announced that waste materials other than refuse will be collected on particular days or during particular periods, any person placing such waste materials at or near any curb, sidewalk or street for purposes of collection shall comply with the following:
 - (1) The waste material shall be of the type announced by the Board.
 - (2) The waste material shall be placed for collection at the times specified by the Board.
 - (3) The waste material shall be collected, bound, contained, placed or otherwise treated in the manner specified by the Board.
- E. Refuse, as well as any other waste material which the Board announces will be collected, shall be placed for collection at or near a curb, sidewalk, alley or street after 5:00 p.m. on the day before that designated for collection. There will be no callbacks to collect refuse or any other wastes which are placed for collection after 6:00 a.m. on the designated collection day.
- F. No person shall place any waste material at or near any curb, sidewalk, alley or street other than the curb, sidewalk, alley or street immediately in front or to the rear of the property from which such waste material was generated.
- G. The placement of any waste material at or near a curb, sidewalk, alley or street other than in compliance with the provisions of this article shall constitute a violation of this article.

§ 125-19. Removal of empty containers.

All empty refuse containers and any other empty waste containers shall be removed from the curb, sidewalk, alley or street where they have been placed as soon as possible after collection and, in any event, no later than 9:00 p.m. on the same day as collection. Empty refuse containers or other empty waste containers remaining at or near the curb, sidewalk or street after 9:00 p.m. on the day after the day of collection may be picked up and impounded by the Town of Liberty.

§ 125-20. Removal of uncollected waste.

When certain refuse and/or waste materials have not been collected because those materials were not placed or prepared in accordance with the provisions of this article, the person who placed such materials for collection and the owner of the real property adjoining the curb, sidewalk, street or alley where such waste materials were placed shall remove those wastes from that location as soon as possible after collection has been refused and, in any event, by 9:00 p.m. of the designated collection day. The failure to remove any uncollected waste material by 9:00 p.m. on the designated collection day shall constitute a violation of this article.

§ 125-21. Remedies for noncompliance; service charge.

Whenever a person places refuse or other waste material at or near a curb, sidewalk, alley or street for collection without complying with all the provisions of this article or fails to comply with § 125-18, Placement of collectible materials, the Board may do either of the following:

- A. The Board may choose not to collect the refuse or other waste material. In such case, the Board shall affix a notice to the waste material which states the reason why that material was not collected. The Board may also notify the property owner of the property from which such uncollected waste material was generated why such material was not collected. Such notice shall be either verbal or written, as the Board determines is appropriate, and shall be provided within a reasonable time period after collection of the material has been rejected; or
- B. The Board may cause collection of the refuse or waste material to be made, notwithstanding the fact that it does not comply with the provisions of this article.
 - (1) In such cases, the Board shall assess a special service charge against the owner of the property from which such waste material was generated.
 - (2) Special service charges shall be accumulated and shall be billed by the Town of Liberty. Any person subject to such charges may make a written request for a hearing within 15 days after the date of the bill for such charges. All hearings shall be on a date and at a time and place determined by the Board. The hearing shall be informal and shall be held before the Board or its designee. The decision of the Board shall be final. Any service charges not paid within 30 days after the Board's decision shall become a lien upon the real property, superior to any other lien or claim, except the lien of an existing tax assessment or charge imposed by the Town of Liberty.

§ 125-22. Unauthorized collection.

From the time any person places any properly prepared recyclable materials at or near any curb, sidewalk, alley or street for purposes of collection, those recyclable materials shall become and be the property of the Town of Liberty or its authorized agent (i.e., its recycling collector). No person who is not acting under authority of the Town or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pick up or removal shall constitute a separate violation of this article. An exception herein is recognized for the person, resident or establishment who or which elects to remove any such item from their property.

§ 125-23. Future recyclables.

In order to effect an orderly implementation of this article, taking into account the present and future market conditions, availability of containers and other equipment and other factors which may bear upon the effectiveness of this article, the Village Board is hereby empowered to phase in the application of this article to recyclable materials produced by residences, commercial premises and/or multiple residences by public notice published in a newspaper of general circulation within the Town not less than 30 days prior to the date of application of this section to permit or exclude materials hereinabove defined in § 125-16, Definitions, or to add any other recyclable material.

§ 125-24. Private waste haulers.

Nothing in this article shall be deemed to prevent any person from entering into a contractual agreement with a private waste hauler for the removal of refuse and other waste materials

generated by that person or at property owned by that person.

§ 125-25. Containers.

The Board is authorized to establish an appropriate procedure for selling or facilitating the sale or distribution of recyclable containers.

§ 125-26. Adoption and enforcement of regulations.

The Board shall have authority to adopt whatever regulations are consistent with this article and to continue to enforce any existing regulations which are consistent therewith.

§ 125-27. Fees.

The Board, by resolution, may impose fees for the collection of any refuse (other than recyclable materials), rubble, bulk items or industrial waste. After any such fees are imposed, the manner of implementation and collection shall be by regulation of the Board, not inconsistent with the terms of the resolution imposing such fees.²

§ 125-28. Penalties for offenses.

Any person who commits a violation of this article shall be punished as follows:

- A. For a first conviction: by a fine of not more than \$25.
- B. For a second conviction within one year: by a fine of not more than \$50.
- C. For a third conviction within one year: by a fine of not more than \$100 and/or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment
- D. For a fourth and each subsequent conviction within one year: by a fine of not more than \$250 and/or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

§ 125-29. Enforcement.

It shall be the duty of the Code Enforcement Officer and/or any other duly authorized official to administer and enforce the provisions of this article.

2. Editor's Note: A fee schedule is included in Chapter A152, Fees.