



Town of Brookhaven Long Island

Kevin J. LaValle

Town Clerk and Registrar

April 22, 2024

General Code Publishing Corp.
781 Elmgrove Road
Rochester, New York 14624

Re: **LOCAL LAW #8 OF THE YEAR 2024**
To Consider Enacting an Introductory Local Law to Amend Chapter 45 Entitled "Sanitation", Section 45-2 Entitled "Definitions", Section 45-4 Entitled "Littering and Dumping" and Section 45-12 Entitled "Penalties for Offenses" of the Town Code of the Town of Brookhaven

To Whom It May Concern:

Attached please find a copy of the above-mentioned Local Law, which was adopted at the 04/04/2024 Brookhaven Town Board meeting. Having been filed with the Secretary of State, this Local Law became effective 04/11/2024.

Sincerely,

Kevin J. LaValle
Brookhaven Town Clerk

KJL/ma

Enc.

cc: Daniel Panico, Supervisor
Members of the Town Board
Town of Brookhaven Department Heads
Clerk of the Sixth District Court
Susan Alexander, Prin. Law Clerk, Dist. Ct. of SC

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(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Brookhaven

Local Law No. 8 of the year 2024

Be enacted by the Town Board of the Town of Brookhaven as follows:

Amend Chapter 45 entitled "Sanitation", Section 45-2 entitled "Definitions", Section 45-4 entitled "Littering and dumping" and Section 45-12 entitled "Penalties for Offenses" of the Town Code of the Town of Brookhaven

Section 1. Legislative Intent. It is the intent of this amendment to Chapter 45 entitled "Sanitation", Section 45-2 entitled "Definitions", Section 45-4 entitled "Littering and dumping" and Section 45-12 "Penalties for offenses" of the Town Code of the Town of Brookhaven to add a violation of Town code and create a penalty for dumping in Town dumpsters, public receptacles and in public recycling receptacles.

Section 2. Text Amendment. Chapter 45 entitled "Sanitation", Section 45-2 entitled "Definitions" is hereby amended as follows:

§45-2. Definitions

PUBLIC RECEPTACLE

A litter disposal, storage and/or collection container which is owned and/or maintained by any federal, state, county or municipal authority and which has been designated as being for the use of the general public but shall not be used for the deposit of accumulated litter, rubbish, liquid waste, solid waste or garbage generated from a residential dwelling or commercial enterprise.

TOWN DUMPSTER

A Dumpster owned and/or maintained by the Town of Brookhaven to be utilized in relation to waste disposal associated with town operations and/or a town facility and is not intended for use by the general public.

PUBLIC RECYCLING RECEPTACLE

A disposal, storage and/or collection container, including a dumpster which is owned and/or maintained by the Town and which has been placed on Town property and is designated as being for the use of the general public, for the exclusive and/or sole use for the collection of specified recyclable material(s).

Section 3. Text Amendment. Chapter 45 entitled "Definitions", Section 45-4K entitled "Littering and dumping" is hereby amended as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

§45-4. Littering and dumping

K. (1) Dumping prohibited. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any garbage, hazardous waste, liquid waste, litter, rubbish, solid waste, construction or demolition debris, whether processed or not or debris of any sort or any other organic or inorganic material or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, Town Dumpster or other area whether publicly or privately owned, except for the disposing of solid waste at a public disposal facility or a private disposal facility permitted and licensed by the Town of Brookhaven and when in accordance with the rules and regulations governing the use of said public or private disposal facility. Causing a quantity of litter, measuring less than 10 square feet in area, to be placed or thrown upon the ground shall not be deemed dumping.

(2) Dumping prohibited. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any garbage, hazardous waste, liquid waste, litter, rubbish, solid waste, construction or demolition debris, whether processed or not or debris of any sort or any other organic or inorganic material or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area within the Pine Barrens Compatible Growth Area and/or Core Preservation Area whether publicly or privately owned, except for the disposing of solid waste at a public disposal facility or a private disposal facility permitted and licensed by the Town of Brookhaven and when in accordance with the rules and regulations governing the use of said public or private disposal facility. Causing a quantity of litter, measuring less than 10 square feet in area, to be placed or thrown upon the ground shall not be deemed dumping.

(3) Dumping prohibited. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any garbage, hazardous waste, liquid waste, litter, rubbish, solid waste, construction or demolition debris, whether processed or not, or debris of any sort, or any other organic or inorganic material or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area within any designated Wetlands, as defined in Chapter 81 of the Town Code, whether publicly or privately owned, except for the disposing of solid waste at a public disposal facility or a private disposal facility permitted and licensed by the Town of Brookhaven and when in accordance with the rules and regulations governing the use of said public or private disposal facility.

(4) It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any garbage, hazardous waste, liquid waste, litter, rubbish, solid waste, construction or demolition debris, whether processed or not or debris of any sort or any other organic or inorganic material or other offensive matter to be dumped, deposited or otherwise disposed of in a public recycling receptacle except for the disposing of the specific recyclable material for which that public recycling receptacle has been designated to collect by the Commissioner of the Department of Recycling and Sustainable Materials Management.

(5) It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any garbage, hazardous waste, liquid waste, litter, rubbish, solid waste, construction or demolition debris, whether processed or not or debris of any sort or any other organic or inorganic material or other offensive matter generated from a residential dwelling or commercial enterprise to be dumped, deposited or otherwise disposed of in a public receptacle.

Section 4. Text Amendment. Chapter 45 entitled "Sanitation", Section 45-12 entitled "Penalties for

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offenses" is hereby amended as follows:

F. Any person violating any provisions of § 45-4K(1) § 45-4K(2) and/or § 45-4K(4) and/or shall be punished as follows: upon a first conviction by a fine of \$2,000 to \$10,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment; upon a second or subsequent conviction, by a fine of \$4,000 to \$20,000 or by a maximum period of imprisonment not less than 15 days nor more than six months, or by both such fine and imprisonment. For purposes of this subsection, a second violation or subsequent offense shall be prosecuted as a misdemeanor. Each day's continued violation shall constitute a separate additional violation.

(underscore indicates additions)

Section 5. Authority. The Town Board is vested with the authority to make these amendments pursuant to Town Law Sections 130 and 135 and in conformance with Municipal Home Rule Law Sections 10 and 20.

Section 6. Effective date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: April 4, 2024
Farmingville, New York



Kevin J. LaValle, Town Clerk
Town of Brookhaven

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