

**ARTICLE III**

**OFFENSIVE MATERIAL AND TRANSPORT OF MATERIALS**

**3.1.0 - Declaration of Policy**

It is hereby declared to be the health policy of the Rockland Health District to protect the public health and safety of Rockland County citizens from offensive materials through the regulation of their removal, transportation and disposal. Additionally, as mandated by the Laws of Rockland County, Chapter 350, the removal and transport of certain types of non-offensive material, as defined herein, shall also be regulated. (\*Amended 6/16/10.)

**3.2.0 - Definition**

**3.2.1 Non-Offensive Material** (\*Added 6/16/10.)

The term "**non-offensive material**" as used in this Article shall mean -

- 3.2.1.1 Mixed paper defined as any clean paper products including but not limited to newspaper, mail, cardboard, school and office paper, magazines, catalogs, telephone books, paperback books and brown grocery bags.
- 3.2.1.2 Commingled containers defined as containers made from all grades of plastic (except styrofoam and plastic bags), aluminum, metal and glass.
- 3.2.1.3 Construction and demolition debris defined as solid waste resulting from construction, remodeling, repair, demolition of structures, and road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, lumber, and asphalt.
- 3.2.1.4 Yard waste defined as grass clippings, leaves, brush and cuttings from shrubs, hedges and trees. Trees and tree stumps are exempt from this part.
- 3.2.1.5 Scrap metals defined as white goods (stoves, refrigerators, washing machines, dishwashers and hot water heaters), metal furniture, recognizable and uncontaminated metal vehicle parts (excluding mufflers and catalytic converters and parts that contain fluids or motor oils), metal pipes, bed frames, metal sheds and other metal objects, which has been discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, having served their intended use.

**3.2.2 Offensive Material**

The term "**offensive material**" as used in this Article shall mean any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, blood, petroleum waste products, liquid or solid chemicals, pool waste water, any

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putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to health, safety or general welfare, or gives rise to offensive odors. This shall also include solid waste as defined in Chapter 350-2 of the Laws of Rockland County to the extent permitted by all other New York State Laws and Regulations. (\*Revised 6/18/08. Amended 6/16/10.)

**3.3.0 - Removal and Transportation**

- 3.3.1 No person shall remove or transport or permit the removal or transportation of any offensive material except in such a manner and in or by such conveyance as will prevent the creation of a health nuisance, or the loss or discharge of such material other than in an approved manner. All such material shall be so handled, covered, or treated that it cannot escape or be accessible to rodents, or any other animal, flies, or other insects, or create a health nuisance. All vehicles and implements used in connection therewith shall be kept in an inoffensive and sanitary condition, and when not in use, shall be stored or kept as to not create a health nuisance.
  
- 3.3.2 No person shall remove or transport or permit the removal or transportation of any non-offensive material except in such a manner and in or by such conveyance as will prevent the creation of a health nuisance, or the loss or discharge of such material other than in an approved manner. All such material shall be so handled, or covered that it cannot escape or create a health nuisance. All vehicles and implements used in connection therewith shall be kept in an inoffensive and sanitary condition, and when not in use, shall be stored or kept as to not create a health nuisance. (\*Added 6/16/10.)

**3.4.0 – Disposal of Offensive Materials** (\*Amended 6/16/10.)

No person shall permit, deposit, store or hold any offensive material on any premises or place or in any building or structure unless such material is treated, screened, covered or placed as not to create a health nuisance. All containers for the storage of such material shall completely confine the material, shall be rodent or any other animal and insect proof, and shall be kept covered at all times. Nor shall any offensive material be buried or disposed of in any way which violates any regulation adopted for the protection of the public water supplies pursuant to the provisions of the Public Health Law. Such material shall not be discharged into streams, ponds, or other bodies of water or onto the surface of the ground except with the written approval of the Commissioner, or unless a permit is issued in accordance with the provisions of the State Environmental Conservation Law.

**3.5.0 - Need For Permit**

- 3.5.1 It shall be unlawful for any person to engage in the business of removing, collecting or transporting and/or disposing of offensive and/or non-offensive material within the Rockland County Health District regardless of the point of origin without a permit issued by the Commissioner for each vehicle. (\*Revised 6/18/08. Amended 6/16/10.)

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- 3.5.2 No person shall remove, or transport or permit the removal or transportation of any offensive and/or non-offensive material by any person engaged in the business of removing, collecting, or transporting and/or disposing of offensive material who has not obtained a permit from the Commissioner for said activity as provided for by herein. (\*Revised 6/18/08. Amended 6/16/10.)
- 3.5.3 Vehicles used for removing, collecting, transporting and/ or disposing of offensive and/or non-offensive material in the Rockland County Health District must be clean, must carry a broom and shovel, must be free of waste leaks and must be free of mechanical leaks. All open vehicles or vehicles that transport open containers must have a tarpaulin. (\*Added 6/18/08. Amended 6/16/10.)
- 3.5.4 No person shall transport and/or provide portable toilets within the Rockland County Health District without obtaining a permit issued by the Commissioner for the transporting vehicle. No vehicle permit is required to transport new or refurbished portable toilets. (\*Added 6/18/08.)
- 3.5.5 No person shall allow the placement of portable toilets on their property located within the Rockland County Health District unless such portable toilets are clean and sanitary, free from leaks and have been transported by a vehicle that has obtained a permit issued by the Commissioner. (\*Added 6/18/08.)

**3.6.0 - Permit**

- 3.6.1 A permit for the removal, transportation and disposal of offensive and/or non-offensive material shall be granted only to applicants who comply with this Article. (\*Amended 6/16/10.)
- 3.6.2 Each permit, unless otherwise stated thereon, shall expire on April 30th, following the date of issuance.
- 3.6.3 Applications shall be made at least fifteen (15) days in advance on a form prescribed by the Commissioner.
- 3.6.4 The Commissioner may suspend or revoke the permit as provided herein upon the violation of the provisions of this Article by the permit holder, his agent, servant and/or his employee after a hearing has been held pursuant to the provisions of this Code.
- 3.6.5 The Commissioner may immediately suspend a permit when in his opinion there is a present danger to the public health and safety which requires immediate action provided that the permit holder is given hearing as provided by this Code within fifteen (15) days of the date of the suspension.
- 3.6.6\* A permit sticker that has been granted by the Commissioner of Health must be prominently displayed on or near the driver's side vent window of the vehicle.  
(\*Effective 1/1/06)

**3.7.0 - Disposal Exceptions**

- 3.7.1 Pool waste water that meets all of the following conditions may be discharged without written approval of the Commissioner or the need for a permit:

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- 3.7.1.1 Water that is disposed of less frequently than once a year.
  - 3.7.1.2 Water that is held for ten (10) days prior to discharge to allow disinfectants to dissipate.
  - 3.7.1.3 Water that is free of pollutants including but not limited to slimicides, biocides, algacides, detergents and cleaners.
- 3.7.2 Routine backwashing of a pool filter system (the process of cleaning a filter by reversing the flow through it) does not need a permit or written permission of the Commissioner.

**3.8.0 - Fee**

A fee shall be charged for each permit issued in accordance with Article I of the Rockland County Sanitary Code. This fee shall be paid by cash, check or money order made payable to the Commissioner of Finance of Rockland County. Payment shall accompany the application for a permit. (\*Amended 6/16/10.)

**3.9.0 - Effective Date (\*Added 6/18/08)**

This Sanitary Code shall be effective as of November 18, 1987. Revised August 1989. Amended August 1991. Added to and revised June 18, 2008. Added to, amended and revised on June 16, 2010.