

**LOCAL LAW NO. 2 OF 1991  
RELATING TO GARBAGE AND TRASH  
FILED 23 AUGUST, 1991**

Amended by Local Law 1 of 1993  
Amended by Local Law 2 of 1993  
Amended by Local Law 1 of 2002  
Amended by Local Law 1 of 2010  
Amended by Local Law 1 of 2017

BE IT RESOLVED AND ENACTED, that the Village Board duly passed this local law regulating Garbage and Trash.

**Definitions:**

Whenever used in this chapter, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following words shall have the respective meanings hereinafter set forth:

1. "Ashes" shall mean all substances or material which remains after combustion.
2. "Garbage" shall mean all organic waste material, both animal and vegetable.
3. "Paper" shall mean waste paper, cardboard, cardboard boxes and containers.
4. "Refuse" shall mean all other waste material not otherwise specifically defined.
5. "Trash" shall mean all discarded material not suitable for further use.
6. "Vehicle" shall mean a motor vehicle designed or adapted for use in removal of garbage and trash.
7. "Person" shall mean an individual, trust, firm; joint stock company, corporation, partnership, association' or any interstate body.
8. "Storage" shall mean the containment of waste, garbage or refuse for a period of over fourteen (14) days, in such a manner as not to constitute disposal of such waste.
9. "Waste" means any garbage, refuse, trash, sludge and all other waste material not otherwise specifically defined.
10. "Landfill" means a disposal facility or part of a facility where solid waste, is placed in or on land, and which is not a land treatment facility, a surface impoundment or an injection well.
11. "White Goods" shall mean washing machines, clothes dryers, refrigerators, freezers, water heaters and all other similar types of materials that are of recyclable value.
12. "Hazardous Waste" means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or
  - A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or:

- B. Pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
  - C. All those chemicals, waste, oils, and or all those articles or materials licensed under the Section 27-903 of the Environmental Conservation Law as drawn up by the Commissioner.
13. "Containers" shall mean a plastic bag, metal or plastic pail or can, or any other type of metal or plastic container that is suitable for the holding of garbage, trash, refuse or waste which will not deteriorate or break apart when wet, and holds no more than fifty (50) pounds in weight nor forty (40) gallons in capacity, when used for garbage, trash, refuse or waste disposal.

### **Regulations and Restrictions**

The following regulations and restrictions are hereby established:

1. All garbage, trash and refuse shall be placed in containers and shall not exceed fifty (50) pounds in weight nor forty (40) gallons capacity.
2. Garbage, trash and refuse shall not be placed in the same container with ashes.
3. No container shall be used which is in a fifthly, leaky or defective condition and shall be maintained in a clean, water-tight and good condition.
4. Containers shall not be placed at the curb prior to 6:00 P.M. the day before the designated collection day, and must be removed from the curb no later than 8:00 P.M. on the day of collection.
5. All containers kept or placed out of doors shall be provided with covers to prevent rain or snow from accumulating therein.

### **Collection Schedule**

Garbage collection dates will be determined by the Superintendent of Public Works for all sections of the Village. Any variation of dates due to holidays shall be published in the official designated newspaper.

### **Removal of Garbage and Trash**

Except as otherwise provided herein, all garbage, refuse, paper, trash and ashes of this Village, shall be collected and removed by Village employees or by a responsible person under contract with the Village and shall be disposed of after such collection throughout the limits of the Village or otherwise disposed of as may be provided for by the Board of Trustees. No garbage shall be collected or conveyed over the streets, alleys, lanes and thoroughfares of this Village by any other persons; provided however, this Chapter shall not prevent a business, school or apartment building owner or manager from contracting with a private garbage collector for the removal of garbage, refuse, paper, trash and ashes but such removal must be made with the same care as that required by the Village employees.

## **Prohibited Disposal of Garbage and Trash**

- A. **Public Property**  
No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste and/or material or ashes upon any sidewalk, street, alley, lane, gutter or any public ground in the Village or into any stream or upon the banks of any stream running through or adjacent to said Village.
- B. **Private Property**  
No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste and/or material or ashes upon the private property of another person, except that ashes may be deposited thereon with the owner's permission for the purpose of filling land.
- C. **Burning or Burying**  
No person shall bury or burn or cause to be buried or burned garbage, refuse, papers, trash, hazardous waste and/or materials within the Village limits, unless authorized to do so in writing by the Board of Trustees.
- D. **Garbage or trash originating outside of the Village**  
No person shall bring in, place or deposit or cause to be brought into, placed or deposited in the Village any garbage, refuse, trash, paper, hazardous waste and/or ashes originating outside the Village for the purpose of disposing of same in the Village or for the purpose of having same collected by the Village or its agents or contractors.
- E. **Permitting disposal of garbage or trash from outside the Village**  
No person who is a resident of the Village or owner, lessee or person in control of real property within the Village shall permit any person to bring in, place or deposit garbage, refuse, trash, paper, hazardous waste and/or material, or ashes originating outside of the Village on any real property owned or leased by him or her or under his or her control.
- F. **Permitting the disposal of garbage, trash, hazardous waste, waste, waste products or white goods, refuse, paper and/or material on any property within the Village of Waterville that is owned or leased by him or her or is under his or her care by leaving on or burying any said products.**
- G. **Storage of Garbage, Trash, Paper or Refuse**  
No person shall store garbage on private property of himself or others for a period of more than seven (7) days in or upon premises of a building, garage, shed or other structure. All such garbage shall be placed in the proper disposal container and be placed at the curb weekly for garbage collection purposes.  
No person shall store any trash, garbage, paper, or refuse on any premises or building structure in a manner that may be unsightly, obnoxious, unattractive offensive or repulsive to the neighborhood, residents of the premises, other

premises in the area and/or others. The owner, renter, lessee agent, association and/or any other person having possession, control, or ownership of the premises shall be responsible for any violations of this section and may be cited on any and all violations.

H. Exceptions

Ashes may be deposited by permission of the owner of the premises on lands within the Village of Waterville for the sole purpose of filling land when they are immediately covered with dirt to prevent blowing or scattering. Dirt fill may be deposited on private or public property with the permission of the owner as long as it is free from hazardous waste, trash, garbage, refuse and paper products.

**ARTICLE II  
COLLECTION FEE SYSTEM**

**Findings**

The Board of Trustees finds the collection and disposal of garbage and trash is of serious concern to the inhabitants of the Village of Waterville and that the methods of collection and disposal thereof in a manner consistent with State requirements has resulted in ever increasing costs.

**Purpose**

The purpose of this article is to establish a garbage user fee that will generate revenues to offset general fund expenditures for waste collection. The user fee will not completely offset the costs associated with garbage collection, but is a revenue source independent of Local Real Property Tax. Costs not covered by this revenue are subsidized through the property tax.

**Service Charges**

A. The charge for the collection and disposal of refuse by the Village of Waterville shall be in according to the following schedule. The Village Board reserves the right to levy such charges for garbage and trash collection as it deems necessary. The levies will be separate from this law and controlled by resolution of the Village Board after a proper public hearing.

<b>Type of Dwelling</b>	<b>Annual Charge</b>
One-family residential unit	\$175.00/unit
Multi-family residential unit	\$175.00/unit
Commercial/non-residential unit with dumpster	\$1,750.00/unit

Commercial/non-residential unit generating no more than six (6) bags per pickup	\$175.00/unit
Multi-family residential unit with nine (9) units or less can be billed per unit and still have a dumpster.	\$175.00/unit

The Village Board shall have the authority to modify said service charge by resolution following a duly called public hearing on 10 days notice

- B. Refuse service charges shall be due and payable quarterly at the same time water and sewer charges are payable regardless of occupancy of the premises.
- C. The charge for any premises within the scope of this law for which a certificate of occupancy is issued after the effective date of this law shall be prorated for the period commencing from the first day of the month following the issuance of the certificate of occupancy to the last day of the following May.
- D. Refuse service charges shall be billed to the owners of the premises and shall be payable at the collections office.
- E. The Village Board may negotiate rates and services for commercial and container service to the public agencies within the Village, provided that such rates shall in all instances cover at a minimum the incremental full costs of providing said service.

#### **Discontinuance of Service**

In the event the owner has permanently discontinued the need for refuse service, upon written notice to the Village Board the refuse service and service charge may be terminated.

#### **Delinquent Refuse Service Charges**

In the event the refuse service charge bill is not paid within one (1) month from the date it is due and payable, then in that event a penalty equal to fifteen percent (15%) of the total charge shall be added to the bill. All unpaid fees shall be added to the next succeeding Village tax bill in the same manner as unpaid water and sewer rents for the Village.

#### **Lien of Refuse Service Charge**

All refuse service charges, penalties and interest thereon shall be a lien upon the real property benefited by the refuse collection and disposal service from the date that the refuse service charge is due and payable, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment. The

Board of Trustees may certify to the Village Clerk the amount of any such lien which has not been paid at the time and in the manner prescribed by such Board, with a description of the real property affected thereby.

A. Violations.

1. If any person shall place out or permit or allow the placing out of garbage or trash in an unauthorized container the said person, corporation, agent, owner, tenant, lessee, occupant, or one in control of the said premises affected may be issued an appearance ticket to appear in the proper court of jurisdiction and/or compliance may be demanded.
2. If the owner, occupant, corporation, agent, tenant, lessee and/or person in control and responsible fails to comply within twenty-four (24) hours of demand or time of being cited and/or receipt thereof said notice, the Village, for sanitary and aesthetic reasons, may pick up and dispose of the garbage. There shall be charged to the owner, agent, tenant, lessee, occupant or responsible person a ten dollar (\$10.00) fee for each garbage bag or container so picked up, along with a reasonable fee to be assessed by the Superintendent of Public Works for any and all non bagged garbage and trash that may be necessarily removed for sanitary, health, safety or other reasons.

B. Presumption

In case of single family or two family residences, it shall be presumed that the occupant or person in charge is responsible for the placement of such unauthorized container.

In case of multiple-family residences, commercial or industrial properties, it shall be presumed that the owner or person in charge is responsible for the placement of such containers.

C. Collection of special handling fee

The Village Clerk's office shall bill by ordinary mail the person responsible for payment of the special handling fee as soon as practicable. If such fee is not paid within thirty (30) days after billing, the Village Clerk's Office shall notify the Board of Trustees which shall have the power to add the unpaid bill to the annual Village tax and the same shall constitute a lien and shall be collected in the same manner and at the same time as regular Village taxes, or civil action may be commenced in the local court for all costs incurred.

D. Enforcement

1. Whenever a violation of this local law shall appear to exist, any person may file a complaint with the Village Clerk of the Village of Waterville, the Police Department, or the Codes Enforcement and/or the Police Officers shall promptly investigate the same and take the appropriate action to correct any violation.
2. The Codes Enforcement Officer (s) and the Police Officers of the Village hereby have full authority to investigate all violations of this Village Local Law regulating the disposal of garbage and trash within the Village with and/or without receiving any complaints regarding any violation of the same. All investigations will be conducted under the General rules and

conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.

3. If, after investigation as aforesaid, the Police Officer or Code Enforcement Officer shall determine that a violation exists, he/she may issue and serve an appearance ticket for any and all violations of this law whenever the owner of the garbage or trash is determined.
  4. If, after investigation the owner of the garbage or trash cannot be determined, the owner and/or tenant of the premises will be responsible to properly dispose of the said garbage and/or trash. If, after notification to the proper person, the garbage and/or trash is not properly disposed of within a reasonable time limit the investigating officer shall issue an appearance ticket to the responsible person for the appearance in the responsible court of jurisdiction alleging a violation of this local law.
  5. The fine for any violation of this local law shall be a minimum of \$50.00 up to \$250.00 for each offense.
  6. It shall be a complete defense to any prosecution under the provisions of this local law that the alleged violation was terminated in all those cases where a notification was given without an appearance ticket being issued and the violation ceased within the reasonable time given herein provided. In all such cases where a notice is given to correct a violation, the violation must be corrected in no more than seven (7) days.
- E. In addition to the above provided penalties and punishment, the Village Board may institute and maintain an action or proceedings in the name of the Village of Waterville in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of a section of the chapter.

### **Unconstitutionality or illegality**

If any clause, sentence, paragraph, work, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, work, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

### **Effective Date**

This local law shall take effect immediately upon filing in the office of the Secretary of State. (23 August 1991)