

REFUSE CHARGE LAW

CHAPTER 16A

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A Local Law establishing refuse fees and other related charges in the Village of Hilton.

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(History: Adopted, Hilton Village Board, 11-4-91 as Local Law No. 5 1991; amended Local Law No. 2, 1992; Local Law #5 1997; Amendments noted where applicable)

Be it enacted by the Village Board of the Village of Hilton, New York as follows:

16A-1 Legislative Intent

In order to protect and promote the health, safety and welfare of the people of the Village of Hilton, the Administrator is authorized and directed to implement and enforce the provisions of this local law controlling the storage, collection and disposal of refuse within the village, to provide the public refuse collection and disposal services as defined and limited by this local law and within the appropriations made therefore by the Village Board, to provide disposal of some types of refuse by recycling; and to regulate and control the establishment, maintenance and operation of refuse collections. All services provided under this local law shall be in compliance with all State and local environmental health statutes and regulations.

16A-2 Definitions

For the purpose of this local law the following terms shall have the meanings ascribed to them in this section unless different meanings are clearly indicated by the context.

ADMINISTRATOR-The Village Administrator of the Village of Hilton, or his/her designee.

ASHES-The residue of the combustion of solid fuels.

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16A-2 Definitions (continued)

BRUSH- Any tree trimmings.

BUILDING REFUSE- Any and all refuse or residue resulting directly from building construction, reconstruction, repair or demolition; from grading, shrubs or other incidental work in connection with any premises; or from replacement of building equipment or appliances; which work is performed by the owner or resident.

BULK REFUSE- Discarded household furniture, bedding and mattresses, large appliances, lumber and other bulk household material not specifically prohibited by this local law, which is too large or too heavy to place in standard refuse containers.

BULK STICKER- That item sold by the Village for affixing to bulk items.

COMMERCIAL USER- A tax parcel of land which is improved for a use other than a residential or multi-residential user. (Revised by Local Law #5, 1997)

COMMERCIAL REFUSE- Refuse originated by a commercial user.

CONSTRUCTION WASTE- Waste resulting from the operations of persons, commercial firms or corporations engaging in the construction, reconstruction, demolition, excavation or repair of buildings, property or streets.

CURB- Shall mean the edge of the street.

DEAD ANIMALS- Animals that have died naturally or have been accidentally killed.

DEPARTMENT- The Department of Public Works of the Village of Hilton.

DUMPSTER- A large metal container suitable for the storage and collection of commercial refuse or for the storage and collection of bulk refuse as determined by the village.

HAZARDOUS WASTE- A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

INDUSTRIAL WASTE- Any and all residue resulting directly from industrial or manufacturing operations. It shall not include refuse originating from office operations of an industrial establishment, nor shall it include refuse resulting from the commercial operations of persons, firms or corporations engaged in the construction of buildings, the repairing of streets and buildings, demolition or excavation.

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16A-2 Definitions (continued)

INFECTIOUS WASTE -Includes, but is not limited to, human and animal; surgical wastes, blood and blood product wastes, human tissue or parts, biological waste products, and laboratory wastes which have come in contact with pathogenic organisms generated by organizations such as medical institutions, biological research organizations, laboratories, and hospitals.

MULTI-RESIDENTIAL USER- A single tax parcel of land which is improved by at least two single family units but not more than nineteen (19) single family units. (Revised by Local Law #5, 1997)

MULTI-RESIDENTIAL REFUSE- Refuse originated by a multi-residential user.

OCCUPANT- An owner occupying premises which he or she owns or controls or a tenant or renter of such premises.

OWNER- The owner of premises within the village or another person who has agreed to be owner's agent for purposes of fulfilling the owner's obligations under this ordinance.

PREMISES- A building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings are located.

RECYCLABLES- Designated materials in the refuse stream that are properly prepared and contained, including, but not limited to, clear glass, metal cans, white goods (e.g. refrigerators, stoves, washers, dryers) and newspaper print. The Administrator is authorized to add to or delete items from this list.

RECYCLING- The organized effort that removes designated materials that have a post consumer use from the refuse stream.

RECYCLING CONTAINER- A Monroe County Department of Solid Waste container in which to place recyclables for village collection.

REFUSE- All rejected or discarded putrescible or non-putrescible solid materials, including garbage, recyclables, rubbish, ashes, but not including body wastes, hazardous waste, industrial waste or infectious waste.

RESIDENTIAL REFUSE- Refuse originating in and around residential premises.

RESIDENTIAL USER-A single tax parcel of land which is improved by one single family unit. (Revised by Local Law #5, 1997)

SCAVENGING- The uncontrolled removal of materials at any point in waste management.

SIDEWALK- In the absence of a sidewalk, the point approximately five (5) feet from the curb.

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16A-2 Definitions (continued)

STANDARD REFUSE CONTAINER- A container for the storage of refuse which shall be of plastic material or galvanized iron, shall be of substantial construction, with top, and shall be marked for identification by the owner, by name or street number. It shall have a capacity of not less than eighteen (18) gallons nor more than thirty two (32) gallons. Containers manufactured of material other than sixteen (16) gauge galvanized iron, or plastic, but which otherwise meet the foregoing specifications, will be accepted for collection; however, the village shall assume no liability for any damages to said containers resulting from handling during collection. Plastic bags of substantial caliber, preferably 4 ml, may be used. Cardboard boxes, paper barrels or paper bags are not suitable substitutes for standard refuse containers. Metal bushel baskets may be used for ashes only.

STANDARD STICKER- That item sold by the Village or designee for the purpose of affixing to standard refuse containers or plastic bags.

16A-3 Public Collection and disposal of refuse

The Department shall collect and dispose of all residential refuse, multi-residential refuse and commercial refuse, as further limited by this local law, unless said user chooses to contract with a private refuse hauler. Such refuse shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this local law. The Department shall not collect industrial, infectious or hazardous waste. The Village Board may, by resolution, promulgate regulations covering the items of collection of refuse and the fees charged therefor, and such other matters pertaining to the public collection and disposal of refuse as it may deem necessary, provided that such regulations are not contrary to the provisions hereof.

16A-4 Preparation of refuse for collection

Refuse offered for public collection shall be prepared for collection by the owner and/or the occupant of a premises as hereinafter provided.

- A. Residential Users. All residential refuse shall be deposited promptly in a standard refuse container with a top, and the container must not be filled over its level of capacity. Properly prepared refuse will be collected from between the sidewalk and the curb, in front of the residence where the refuse originated. No refuse, including recyclables, shall be placed between the sidewalk and the curb for collection earlier than 6:00 p.m. the night before the scheduled refuse collection day. Each standard refuse container which exceeds the number allowed, as determined by the Village Board, shall be required to have a standard sticker attached. Said sticker must be visible from the street.
- B. Commercial Users. All commercial refuse shall be deposited promptly in either a standard refuse container or a dumpster, neither of which shall be filled over its level of capacity. The Department shall determine for each user whether a standard refuse container or a dumpster is required. If standard refuse containers are used, each standard refuse container which exceeds the number allowed as determined by the Village Board shall be required to have a standard sticker attached. This sticker must be clearly visible. (Revised by Local Law #5, 1997)

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16A-4 Preparation of refuse for collection

- C.** Multi-Residential Users. All multi-residential refuse shall be deposited promptly in either a standard refuse container or a dumpster, neither of which shall be filled over its level of capacity. The Department shall determine for each user whether a standard refuse container or a dumpster is required. If standard refuse containers are used, each standard refuse container which exceeds the number allowed as determined by the Village Board shall be required to have a standard sticker attached. This sticker must be clearly visible.
(Revised by Local Law # 5, 1997)
- D.** Recyclables. The Administrator may require that certain materials be prepared for collection separately from other refuse. Recyclables shall be placed between the sidewalk and the curb in front of the premises where such recyclables originated. Such recyclables shall include, but not be limited to, rinsed clear glass and metal cans and newspaper print, which shall be collected in County issued recycling containers, and white goods. Materials placed in the recycling container improperly prepared, and materials deemed not recyclable, will be considered in violation of this local law, and subject to a Notice and Order. All freezer and refrigerator doors shall be removed before such items are placed for collection.
- E.** Ashes. Ashes shall be allowed to cool and shall then be deposited in a separate refuse container and must be placed approximately four (4) feet from the street in front of the premises where such ashes originated.
- F.** Bulk Refuse. All bulk items to be discarded shall require a bulk sticker to be attached and said sticker must be visible from the street. Charges for the disposal of bulk refuse shall be established by resolution of the Village Board.
- G.** Building refuse. Building refuse resulting from minor repairs that can be properly placed in a standard refuse container shall be placed in a standard refuse container and shall be collected in the same manner as residential refuse. Building refuse resulting from major repair or remodeling, done by the owner of the property, that is too large or too heavy to be properly placed in standard refuse containers, shall be placed in a dumpster provided by the village at the request of the owner.
- H.** Construction waste. It shall be the responsibility of the contractor to make arrangements for the proper and legal collection and disposal of waste generated during construction process and such waste shall not be collected by the village.
- I.** Lawn cuttings. Grass clippings will not be accepted for disposal.
- J.** Leaves. Leaves may be left in loose piles between the sidewalk and the curb for collection by the Village between October 1st and November 30 of each year only.
- K.** Brush: Brush will not be picked up with the regular household refuse. A separate schedule for the collection of brush will be established each year by the Department of Public Works. It shall be the responsibility of the owner and/or resident to place the brush between the sidewalk and curb for collection. Brush must be placed with the all large ends facing the same direction and with the flow of traffic.

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16A-4 Preparation of refuse for collection

- L. Concrete, dirt, bricks, and stones - shall require special arrangements with the village prior to pickup.

16A-5 Refuse containers

- A. Each residential user, multi-residential user and commercial user from which refuse is collected by the Department shall provide standard refuse containers or dumpster sufficient in number to hold all refuse accumulating between scheduled collections by the Department.
- B. Standard refuse containers or dumpster which have holes through the sides or bottom or are bent, dented or damaged to the extent that they are not water-or fly-tight or vermin-resistant shall not be used for storing refuse. Containers shall be maintained at all times in a clean and sanitary condition.
- C. Containers declared unfit or useless shall be replaced by the user with new standard refuse containers or dumpster as herein defined.
- D. The use of disposable plastic bags which are waterproof, strong and securely tied, may be used for most residential refuse. However, refuse, glass, and other objects that could cause injury shall not be placed in plastic bags and shall be placed in either metal or plastic containers for collection. The total weight of objects placed in plastic bags shall not exceed twenty-five (25) pounds. The Administrator is authorized to revoke the use of plastic bags where safety and health conditions warrant.
- E. Recycling containers owned by the County of Monroe, shall remain at the premises and shall be used for the sole purpose of holding goods to be recycled.

16A-6 Storage of refuse

No refuse shall be placed or stored on any premises within the village except as permitted by this local law. Refuse shall be stored in standard refuse containers or dumpster, which shall be placed by the owner or occupant of the premises where such refuse originated at the rear or side yard of the main building on such premises. Such refuse shall be stored in a manner so as not to create a health hazard or public nuisance. Refuse shall not be placed or stored in the street, sidewalk or gutters or in any public place except as directed herein or by the Administrator.

16A-7 Points of Collection

Standard refuse containers and Recycling Containers will be placed for collection by the owner or occupant of the premises where such refuse originated between the sidewalk and curb.

16A-8 Public Collection Service

- A. The Department shall collect residential, multi-residential and commercial refuse, and recyclables as defined by this local law once each week. All other collections will be made at a frequency determined by the Administrator to be necessary, consistent with the public health. User fees shall be charged consistent with the frequency of collection.

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16A-8 Public Collection Service

- B.** Commercial users and multi-residential users which elect to be served exclusively by private refuse collectors or commercial users and multi-residential users which have had public collection service discontinued because of nonpayment of commercial or multi-residential user fees shall provide standard refuse containers or dumpster sufficient in number to hold all refuse accumulating between scheduled refuse collections and shall not allow refuse to be stored or to accumulate on their property. Any substantial accumulation of refuse or wastes is hereby declared to be a sanitary health hazard and a public nuisance. Such commercial users and multi-residential users must establish to the satisfaction of the Administrator that other refuse collection arrangements have been made and that refuse collection is being made at the frequency determined by the Administrator to be consistent with public health requirements. The Administrator shall have the authority to abate any sanitary health hazard or public nuisance and to impose the fees, charges and penalties of this local law for such abatement.
- C.** Commercial users which produce industrial waste must be serviced exclusively by private refuse collectors unless the owner establishes to the Administrator's satisfaction that such exclusive service is impracticable and that the user will not offer any such industrial waste for Village collection, in which case the Village will collect non-industrial waste refuse.

16A-9 Garbage Disposal

Garbage disposal discharging macerated garbage into the sanitary sewer system of the village may be installed, provided that there is an adequate water supply available in the building, the sewer is of adequate capacity and the installation otherwise meets the provisions of the New York State Uniform Fire Prevention and Building Code.

16A-10 Dead Animals

Dead animals will not be picked up for disposal by the Village.

16A-11 User Fees

The user fees for collection of refuse placed for collection will be established from time to time by resolution of the Village Board.

16A-12 Appeals

Any person aggrieved by a decision or regulation of the Administrator arising out of this local law shall have the right to appeal to the Village Board, who shall have the authority to confirm, modify or revoke such decision or regulation.

16A-13 Unpaid User Fees

Unpaid user fees for collection of refuse shall be the personal liability of the property owner and shall be a lien upon the real property for which refuse is collected.

16A-14 Scavenging

No person shall interfere with or remove or scavenge for material in any container which has been placed at the curb, or in a dumpster, or in any bulk refuse which has been placed at the curb by

the owner or occupant for collection by the Department.

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16A-15 Litter Containers

Litter containers placed outside for public use are to be used for deposit of litter generated on the public right-of-way by pedestrians and motorists. The placing into litter baskets of refuse originating from homes, commercial or industrial establishment's is prohibited.

16A-16 Unauthorized Placement of Refuse

No person shall place or cause to be placed, any refuse for the purpose of disposal on any premises unless they are the owner or occupant of said premises.

16A-17 Powers of Administrator

The Administrator shall have the authority to abate any sanitary health hazard, or public nuisance and charge the property owner the cost of the abatement.

16A-18 Enforcement

Failure to comply with the provisions of this law or the rules and regulations promulgated hereunder shall be a violation as defined in Section 55.10 of the Penal Law and penalties may be imposed thereunder.

16A-19 Effective Date

The provision of this law shall be effective on February 3, 1992.