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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.

**Village of Tivoli**

**Local Law No. 1 of the year 2018**

A Local Law Amending Chapter 184 of the Village Code regarding Solid Waste

Be it enacted by the Board of Trustees of the Village of Tivoli as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law will update and modernize the provisions of the Village Code regarding the solid waste including collection and recycling. This law is intended to further the village's green community goals, to promote compliance with the Dutchess County laws and regulations requiring source separation, to discourage littering, and to protect the health and safety of the village. Reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of recyclable materials will protect and enhance the village's physical and visual environment, as well as promote the health, safety and well-being of persons and property within the village by conservation of existing landfill capacity, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, and be consistent with the New York State Solid Waste Management Plan and Dutchess County Solid Waste Plan.

**SECTION 2. APPLICATION**

This Local Law shall apply within the Village of Tivoli.

**SECTION 3. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

**SECTION 4.** Chapter 184 of the Village Code entitled "Solid Waste" is hereby amended and restated to read as follows:

## **Chapter 184. Solid Waste**

### **Article I. Collection and Recycling**

#### **§ 184-1. Village Collection Program.**

- A. There is hereby established a program for the village collection of waste materials and recyclable materials. This program applies to all residents.
- B. To the extent determined by resolution of the village board, multifamily and commercial buildings may be included in the village collection program.
- C. The village will provide for curbside pickup on such day or days of the week as designated by resolution of the village board (excluding holidays) for recyclable and non-recyclable waste material.
- D. All waste and recyclable material shall be separated, prepared for collection and collected in accordance with this article. The village shall have no obligation to pick up and remove any waste or recyclable material not prepared for collection in accordance with this article. The village shall have no obligation to pick up and remove any waste or recyclable material which was not used in the residence or business placing such waste material at curbside for pickup.
- E The village by resolution may from time to time determine whether to conduct collection under this Article using staff resources or by contracting with another governmental entity or by a licensed private hauler.
- F. Unless the village has determined to provide closed wheeled containers through private haulers, participants shall be responsible for providing plastic or aluminum containers for all recyclables and separate plastic or aluminum containers for all garbage. In addition, garbage shall be enclosed in intact weather resistant trash bags. Open recycling containers shall include weepholes to prevent water buildup. The exterior of all recycling and garbage containers must be safe for handling, including having no cracks, holes or jagged edges.
- G. No garbage container or recycling container to be placed for village pickup shall be larger than 30 gallons nor weigh more than 50 pounds, including contents, except where the Village has determined to provide closed wheeled containers through private haulers.
- H No grass clippings, leaves, brush or other yard organics, construction and demolition debris, large household furnishings, large appliances, tires or hazardous waste shall be placed at curbside for regular collection.
- I Large appliances, such as refrigerators, stoves or large household furnishings, may be picked up for a fee as determined by resolution of the village board, upon special arrangement with the village clerk. The village board may from time to time authorize special collection or drop off days for designated materials, at fees to be determined by the board.
- J. Unless the village has determined to appropriate funds for village wide pickup services, garbage shall be picked up through the village collection system only if a prepaid village garbage tag available from the village is affixed to the bag. The fee for such garbage tags shall be as set forth, from time to time, by resolution of the village board. Garbage tags shall be sold by the village clerk during regular office hours and as otherwise determined by resolution of the village board.

#### **§ 184-2. Source Separation of waste material.**

- A. All recyclable waste material shall be separated from other materials. Recyclable materials for village collection shall be further separated to the extent required by resolution of the Village Board.

B. The Village encourages residents to compost organic materials at home provided that home composting is consistent with NYS Department of Environmental Conservation guidelines, including no meat, fish, poultry, bones, or fatty foods such as cheese and oils, no dairy products, and no cat litter or dog feces.

C. All recyclable containers shall be empty, rinsed and clean.

D. No light bulbs, window glass, crockery, china or decorative glass shall be placed with recyclables. Glass containers shall be unbroken. No plastic toys, plastic wrap, plastic sheeting, plastic bags, or Styrofoam shall be placed with recyclables. Automotive product containers are not accepted for recycling

E. Scrap metal is not collected by the village program but may be accepted by private haulers.

F. The village board from time to time may determine that certain materials shall be added or deleted from the list of recyclables based on availability of markets and the county recycling laws and regulations. The village board may from time to time establish rules and regulations for separation and management of recyclables.

G. In no event shall hazardous waste be placed for collection with garbage or recyclables.

#### **§ 184-3. Collection and Container Requirements.**

A. All waste material to be picked up by the village collection program shall be at the curb no later than 7:30 a.m. on the day of collection, and no material shall be placed at the curb for collection by the village before 6:00 p.m. the night before collection.

B. No material shall be placed at the curb for collection by private haulers before 6:00 p.m. on the night before the date of collection designated for that hauler.

C. Garbage Containers and recycling containers shall be placed for collection next to the street at the front of premises at a location accessible to collection personnel, with passage from the street kept free of ice and snow, and not blocking sidewalk passage.

D. Whether village collection or private haulers are used, the owner and occupant are responsible for ensuring that all empty containers are removed from the curbside by 10:00 p.m. of the day on which collection is made. At all times other than collection times, receptacles must be stored out of public view, or if not feasible, behind the front building line, on the owner's property. Empty garbage or recycling containers remaining at or near the curb, sidewalk or street on the day after collection may be picked up and disposed of by the village.

E. All recycling containers and trash containers shall have the owner's name and house or apartment number, or the identification of the private hauler who owns the same, affixed to or painted on the container.

#### **§ 184-4. Ownership of recyclables placed for collection.**

A. Any recyclable material placed at the curb on collection day becomes the property of the village and shall not be picked up by any person who does not have written permission to do so from the village board.

B. The owner and occupant shall be responsible for remove materials from the curbside within 24 hours where collection has been refused because materials or preparation of materials has not been in accordance with this article.

C. Nothing herein shall prevent any person from making arrangements for the private collection of recyclables from a residence or for private collection of commercial waste or recyclables provided that such private hauler has registered with the village as provided in Section 184-5.

#### **§ 184-5. Private Hauler Registration and Commercial Permits.**

A. All private haulers doing business in the village shall register with the village clerk on forms provided by the clerk, which shall include a copy of the hauler's valid Dutchess County Solid Waste Disposal license, designation of the date on which collection is scheduled for such hauler's customers in the village, and identification of the name and/or logo/colors and license number appearing on any waste and recycling containers used by that hauler. The village board may establish an annual fee for registration. Registration shall not be deemed or represented to constitute approval or endorsement of any hauler. Haulers shall remain solely responsible for all liability in connection with their activities.

B. Waste containers to be picked up by private haulers may be (i) up to 32 gallon wheeled containers provided by the private hauler, or (ii) may be larger commercial containers only as provided in this section. A commercial container may be used (i) for the size and location included in a site plan approved by the planning board; (ii) for construction projects with a valid building or demolition permit, and in such case removal is required at least monthly and within one week of construction completion and removal shall be a condition to issuance of a certificate of occupancy; (iii) not more than 4 times per year per parcel for a period not exceeding one week with a temporary commercial container permit obtained from the village clerk.

C. The village may establish fees from time to time by resolution for commercial container permits to be issued by the village clerk, and may require a deposit to guarantee removal within the time permitted.

D. Revocation. Whenever the village clerk shall determine that a registrant or permittee is violating any provisions of this chapter the village clerk may, after notice and hearing, may revoke said registration or . Notice of the hearing for revocation of a registration or permit shall be given in writing, setting forth specifically the grounds for revocation, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the registrant or permittee at his last known address, at least 10 days prior to the date set for hearing. Any person aggrieved by the action of the village clerk in the denial of an application for a registration or permit or in the revocation of a registration or permit shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing within 14 days after notice of the action complained of has been mailed to such person's last known address, together with a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and place for hearing on such appeal and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Board of Trustees on such appeal shall be final and conclusive.

E. Suspension. In case of an emergency or a serious threat to public safety, health or welfare, the village clerk may suspend a registration or permit until such time as a final determination can be had on the revocation under this section. For a good cause, the Board of Trustees may remove such suspension pending final determination subject to such terms and conditions as it deems appropriate or necessary to safeguard the public safety, health or welfare.

#### **§ 184-6. Prohibited Activities.**

A. The owner or owners and the occupant or occupants of each and every building or lot of ground within the Village of Tivoli shall, at all times, keep said premises free from any accumulations of solid waste, garbage, debris or other impure or offensive matter or substance which may create or tend to create a nuisance or a danger to health.

B. The burning of garbage and rubbish is prohibited by New York State Department of Environmental Conservation Law § 215.

C. Placement by an owner or occupant of containers for pickup by a hauler without a valid registration or commercial permit required by Section 184-5 is a violation of this chapter.

**§ 184-7. Enforcement and Administration.**

A. The village board may adopt a schedule of additional fees to be imposed on materials placed for collection by the village not in compliance with the requirements of this article including where containers are not properly located or timely removed in compliance with this article or for removal of solid waste, garbage, or debris from the property. Fees will be payable at the office of the village clerk within thirty days of billing.

B. Every owner or occupant who shall receive a written or printed notice from the Village Clerk, Code Enforcement Officer or any police officer to remove the same shall do so within forty-eight hours after receipt of the notice. Said notice shall be served personally or by certified mail, return receipt requested on the owner or occupant or, in the case of a multifamily structure, may be served on the registered agent. In the event of failure to comply with such notice, the Village may enter upon the premises concerned and remove and dispose of any such prohibited accumulation at the sole expense of said owner and/or occupant.

C. If not timely paid such fees and such cost of removal, plus 5% for inspection and other additional costs in connection therewith, shall be certified to the Assessor and shall thereafter become and be a lien upon the lot or land on which such solid waste, garbage, or debris existed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land, and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes..

D. The requirements established by this article shall be administered and enforced by the Code Enforcement Official of the Village of Tivoli and such other employees and/or officials authorized by the village board. The Code Enforcement Official is authorized to file charges with respect to any violations, and may issue and serve appearance tickets when he has reasonable cause to believe that any such violation has been committed.

**§ 184-8. Penalties for offenses.**

A. In addition to any penalty contained in any other provision of law, any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than \$50 nor more than \$250 or imprisonment for not more than 15 days, or both. Each day of continuance of an offense shall be considered a separate offense.

B. In addition, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

**SECTION 5. EFFECTIVE DATE**

This local law shall take effect thirty (30) days after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.