

## Solid Waste

### Local Law #3 of 2016.

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

#### Article I Sanitary Landfill

##### SECTION 1. OBJECTIVE AND INTENT:

- A. The purpose of this local law is to promote the health, safety and welfare of the residents of the Townships of Wellsville and Andover, Allegany County, New York, to effect a cost control program and to facilitate compliance with environmental laws at the Wellsville landfill facility located on Snyder Road in the Townships of Wellsville and Andover.
- B. The New York State Department of Environmental Conservation, pursuant to authorization of the Legislature of the State of New York, has imposed and put into effect strict regulations upon operators of landfill facilities. To comply with the regulations, operators must incur substantial capital and operating expenses. Operators are subjected to substantial penalties and fines for noncompliance with DEC requirements.
- C. To help defray expenses, the Village of Wellsville has entered into agreements with the Town of Wellsville, Village of Andover, and Town of Andover. These agreements provide for the sharing of landfill expenses and for the sharing of landfill use.
- D. Since the landfill facility has a finite life expectancy, it is imperative that restrictions be placed on the use and availability of the landfill facility.

##### SECTION 2. DEFINITIONS:

As used in this article, the following terms shall have the meanings indicated:

**GARBAGE** – Includes waste food, papers, wood, lumber, plant life or any other mater which shall be inflammable or capable of fermentation or decay.

##### **HAZARDOUS WASTE** –

- A. A solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or biological characteristics may:
  1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
  2. Cause or significantly contribute to a substantial present or potential hazard to human health of the environment when improperly treated, stored, transported, disposed or otherwise managed.
- B. Such wastes shall include but not be limited to wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing, or infections, and shall include wastes that are solid, semi-solid, liquid or contained gases. The final determination of whether or not a waste is hazardous shall be made by the Department of

Public Works. Guidelines and regulations of the Department of Environmental conservation shall be used by the Department of Public Works to aid in its evaluation and determination.

NON HAZARDOUS INDUSTRIAL WASTE – Wastes in liquid, semi-solid or solid form that result from industrial or commercial processes including but not limited to factories, processing plants and repair and cleaning establishments, which wastes include, but are not limited to, sludges, oils solvents, spent chemicals , and acids. Reference is made to guidelines and regulation of the Department of Environmental Conservation.

PERSON – Includes an individual, society, group, firm, partnership, association, corporation, and any municipal corporation.

REFUSE –

- A. Includes trash, litter, garbage and rubbish.
- B. Does not include:
  - 1. Animal carcasses.
  - 2. Human body parts or pathological wastes.
  - 3. Raw sewage.
  - 4. Gunpowder, ammunition or other explosive material.
  - 5. Drugs and medication.
  - 6. Vehicles, automobiles, trucks, agricultural implements, car bodies, engine blocks.
  - 7. Hazardous waste.
  - 8. Non-hazardous industrial waste.

RUBISH – Includes waste material, tin, cans, wire, ashes, cinders, glass, pottery and other substances of a solid, noncombustible nature.

### SECTION 3. LIMITATIONS ON USE:

- A. Refuse only may be deposited at the Village landfill.
- B. No operators of cars, trucks or other vehicles conveying or transporting refuse are permitted on the landfill facility owned and operated by the Village of Wellsville unless:
  - 1. There is a conspicuously attached to such vehicle, in accordance with the rules and regulations of the Department of Public Works, a valid permit issues by or under the authority of the Department of Public Works of the Village of Wellsville, or
  - 2. Such vehicle has obtained prior approval from or under the authority of the Department of Public Works. Such prior approval may be given upon such terms and conditions as may be determined by the Department of Public Works.

### SECTION 4. GEOGRAPHICAL LIMITATIONS:

No person shall dump, deposit, or otherwise leave at the landfill facility any material from outside the landfill service area, to-wit: the Town of Wellsville or the Town of Andover.

### SECTION 5. PERMITS:

- A. Landfill permits are issued by or under the authority of Department of Public Works of the Village of Wellsville and in accordance with its rules and regulations.
- B. No permit shall be issued to any person who resides outside the service area of the landfill, except to a commercial hauler of refuse who has an established route or otherwise provides

refuse hauling services to other persons who reside within the service area. Such permits shall be issued in accordance with the rules and regulations of the Department of Public Works. Any such commercial hauler shall comply with all the provisions of this Local Law and any rules and regulations established hereunder.

- C. Non-permit holders seeking prior authority to haul or transport refuse to the landfill facility shall apply to the Department of Public Works. The Department may issue such authority upon such terms and conditions as it deems necessary. Non- permit holders shall otherwise comply with all provisions of this Local Law and any rules and regulations established hereunder.

#### SECTION 6. MATERIALS PROHIBITED WITHOUT PERMIT:

- A. No person without the prior written consent of the Department of Public Works, shall deposit at the landfill any of the following:
  - 1. Animal carcasses.
  - 2. Human body parts or pathological wastes.
  - 3. Raw sewage.
  - 4. Gunpowder, ammunition or other explosive material.
  - 5. Drugs or medication.
  - 6. Vehicles, automobiles, trucks, agricultural implements, car bodies, engine blocks.
  - 7. Hazardous waste.
  - 8. Non- hazardous industrial waste.
  - 9. Stolen property.
  - 10. Firearms.
  - 11. Items or materials used in the commission of an offense, as such terms is defined by the Penal Law of the State of New York.
- B. Consent may be given only in extraordinary circumstances, and then only if it is determined by the Department of Public Works- after review of the facts and circumstances – that the material referred to above will not, if deposited, pose a health danger or depart from regulations of the Department of Environmental Conservation relating to landfill facilities.

#### SECTION 7. COMPLIANCE WITH ORDERS, SIGNS & REGULATIONS:

No person at or on the landfill shall fail to comply with any landfill sign, order or direction, or rule or regulation of the Department of Public Works, or of the person or persons present and in charge of the facility.

#### SECTION 8. LIMITATIONS ON PERSONS DEPOSITING WASTE MATERIAL:

No person shall deposit or cause to be deposited any substance of any kind in the refuse disposal and sanitary landfill area hereinbefore designated except at the places, times, and in the manner directed by the person in charge of said refuse disposal and sanitary landfill area, whether such direction is given personally, or by another person on behalf and under the authority of the operator of said refuse disposal and sanitary landfill area, or by signs or instruction erected upon the above-described site by and under the authority of the Village Department of Public Works.

#### SECTION 9. LOADING REQUIREMENTS:

All persons bringing waste material to the landfill shall secure the loads so as to prevent blowing or disbursing of the load or materials therfrom except at the location authorized by the person in charge of the facility.

#### SECTION 10. PENALTIES FOR OFFENSES:

- A. Any person who violates any provision of the Local Law or rule, regulation or order adopted pursuant thereto shall be guilty of a violation.
- B. The violation shall be punishable as provided in Penal Law
- C. Nothing herein shall preclude, in an appropriate case, the bringing of a charge of trespassing in violation of the Penal Law of for any other violation of the Penal Law.
- D.

#### SECTION 11. HEARING PROCEDURES ON PERMIT REVOCATION OR SUSPENSION:

- A. In the event that a person violating the provisions of this Local Law has previously been issued a permit or has otherwise been given authority to use the landfill facilities, then such permit or authority is subject to suspension or revocation.
- B. Proceedings to suspend or revoke a permit or authorization to use the landfill facilities shall be commenced by written notice of charges sent to the permit holder by postpaid mail to the address of the permit holder on file in the office of the Department of Public Works.
- C. Permit holders are responsible for any violations that may be committed by another person while using the motor vehicle to which the permit holder's permit is attached.
- D. A person charged with a violation shall be notified of his right to a hearing within 20 days of the mailing of the notice. The notice shall state the time and place of the hearing.
- E. The hearing shall be held before a hearing officer (May also be a hearing panel) designated by the Mayor. A decision will be made by the hearing officer within three business days, and the decision shall be made known by mail to the person charged within one business day therefrom.
- F. Within 14 days of any decision of the hearing officer, upon request either by the person charged with the violation or upon the request of the Director of the Department of Public Works of the Village of Wellsville, the evidence and determination of the hearing officer shall be reviewed by the Village Board of Trustees. The Village Board may modify, affirm or reverse the findings and determinations of hearing officer. Such review and decision by the Board of Trustees shall be made within seven working days of the request for review.
- G. Continued use of reinstatement of a permit may be granted upon conditions which may be specified by the hearing officer or by the board.
- H. In the event of flagrant violations, a permit may be summarily suspended by the Director of the Department of Public Works pending a hearing and determination. Notice of such suspension, together with a notice of hearing, shall be sent to the permit holder by mail.

#### SECTION 12 EVIDENCE:

Mailing or delivery addresses or other such evidence that the waste items originated outside the collection are of the Towns of Wellsville or Andover shall be primfacie evidence of a violation of this local law.

#### SECTION 13 SCAVANING PROHIBITED:

Scavenging or otherwise removing material from the landfill facility is prohibited to any person without the prior written consent of the Department of Public Works.

#### SECTION 14 LOST PROPERTY:

The Village of Wellsville shall not be responsible for any mistakenly or inadvertently deposited or otherwise mislaid items of property.

#### SECTION 15 DAMAGE OF INJURY TO PERSONAL PROPERTY:

The Village of Wellsville shall not be responsible for any injuries to persons or property arising out of the use of the landfill facility, including damage to tires.

#### SECTION 16 RULES AND REGULATIONS:

The Board of Trustees and the Director of the Department of Public Works are authorized to establish rules and regulations and cause signs to be erected to implement the intent and enforcement of this Local Law. Certified copies of such rules and regulations shall promptly be filed in the office of the Wellsville Village Clerk.

### Article II Refuse Collection and Disposal

#### SECTION 17 PRUPOSE AND INTENT

In spite of substantial increases in the cost of collection and disposal of garbage and solid waste, the Board of Trustees of the Village of Wellsville hereby finds it to be in the best interests of the public to continue providing this service to residential customers who request same. No such service shall be provided to commercial customers. The Board of Trustees of the Village of Wellsville further hereby finds and determines that the most equitable manner of collecting funds to defray the cost of collection and disposal is by charging a Village-wide user fee for garbage and solid waste and a separate fee for the collection of bulky trash from residential customers who request the same.

#### SECTION 18 FEES

##### A. Imposition

1. The Village of Wellsville hereby establishes and imposes user fees for the collection of garbage, rubbish, recyclables and trash, as defined in existing Village Law, from all parcels identified on the Allegany County Tax Map for the Village of Wellsville, except:
  - a. Unimproved land
  - b. Abandoned residential properties from which all Village utility services have been disconnected;
  - c. Apartment building containing 10 units or more which are serviced by a private garbage hauler;
2. Nothing in this article shall be construed as prohibiting those subject to such user fees from entering into private contracts for the removal and disposal of solid waste and recyclable materials from their properties.
3. The Village of Wellsville hereby establishes and imposes user fees for the collection of bulky trash, as defined in Village Law, from residential customers who request the same.

##### B. Computation

1. User fees shall be based on the direct cost incurred by the Village of Wellsville for providing the service. Based upon cost information available as of date, the user fee for the collection of garbage and solid waste is hereby set at \$10 per month per dwelling unit, and the user fee for the collection of bulky trash is hereby set at \$10 per residential customer who requests same.
2. The user fee schedule and list of exemptions may be amended from time to time by resolution of the Board of Trustees, so as to keep user fees in conformity with actual costs incurred by the Village of Wellsville for providing the service.

#### SECTION 19 COOPERATION BY OWNERS OF REAL PROPERTY:

The Department of Public Utilities may require each owner and/or occupant of residential real property within the Village to furnish such information as may be necessary and reasonable in order to carry out the provisions of this article (i.e. the number of units on a particular tax parcel; whether owners include utility charges in tenants' rent)

#### SECTION 20 PAYMENT AND COLLECTION:

- A. All solid waste collection fees imposed hereunder will be billed on the monthly utility bill for each residential utility customer, itemized separately from other utility charges. All such fees shall be paid within 30 days after the mailing of the invoice. Amounts outstanding after 30 days shall accrue penalties as allowed by New York Law.
- B. All bulky trash collection fees shall be paid in advance of the collection date at the Village Clerk's Office.

#### SECTION 21 ENFORCEMENT OF UNPAID FEES THROUGH INCLUSION IN ANNUAL TAX LEVY:

- A. All unpaid fees or charges for Village solid waste collection and/or disposal services imposed on or after the effective date of this local law, including penalties or interest, not paid by March 1 of each year shall be added to the annual Village of Wellsville tax levy.
- B. The Board of Trustees shall annually cause a statement to be prepared setting forth each amount of solid waste disposal and/or collection fees in arrears as of the first day of March, a brief description of the property for which or in connection with which such solid waste services were provided, and the name and address of the person or corporation liable to pay such amount. Such statement shall be presented to the Village Board of Trustees which shall levy such amounts remaining unpaid on the date taxes are levied against the real property for which or in connection with which such solid waste services were provided.

#### SECTION 22 PROCEDURES FOR CHANGING USER FEE SCHEDULE:

- A. The Village of Wellsville Board of Trustees shall conduct a public hearing prior to changing any fees as set forth herein. Such hearing shall be pursuant to notice published in an official newspaper of the Village not less than 10 days before the hearing. The proposed amendments to the user fee schedule shall be available for public hear inspection at least 10 days prior to the public hearing, and notice of the same shall be set forth in the aforesaid published notice of hearing.
- B. Following the public hearing, the Village Board shall be free to adopt such resolution. Upon adoption of such resolution, notice of its adoption shall be published in an official newspaper of

the Village and a copy of the newly adopted rates shall be made available for public inspection at any Village Utility Billing Office. Following publication of the notice of adoption of any amendment of the user fee schedule set forth herein, any person aggrieved thereby may, within 15 days after publication, apply to a court of record for an order of certiorari to review such fee. The user fee schedule shall be deemed final and conclusive unless such an application is made within 15 days after the publication.

- C. The procedures set forth in this article for amendment of the user fee schedule are intended to supersede any conflicting procedures set forth in the New York Village Law.

## SECTION 23

The Village of Wellsville Board of Trustees may, by resolution, adopt regulations regarding the implementation and administration of the article.

- A. Normal household garbage is collected weekly from each residence in the Village. The Village will not collect commercial garbage. Commercial and business establishments must make arrangements for disposal of solid waste. The following regulations apply to weekly garbage collection.
  - 1. Collection will be made at curbside only. Village trucks will not enter private property. A person who submits a certificate from his/her physician stating physical disability may have his/her garbage container picked up at the front porch.
  - 2. Containers shall be at curbside by 6:00am on the day designated for collection. Containers shall not be placed for collection more than 24 hours in advance of collection time.\*
  - 3. Maximum permitted container size is 33 gallons. Weight of the container and contents shall not exceed 50 pounds. No overweight or oversized containers will be emptied. Securely tied clear plastic bags (no colors or tinting) of adequate strength may be used as long as the fifty-pound weight limit is not exceeded.
  - 4. The Village is not responsible for any spillage or upset of the containers other than such as may be made by Village personnel. Persons placing garbage for collection are responsible for cleaning of spills caused by any other reason.
  - 5. Hot ashes will not be picked up.
  - 6. The following items will not be collected during the weekly garbage collection. Any liquids, brush, branches, yard waste, bulky items, tires, concrete, stones, brick, earth, grass/weeds, toxic flammable or explosive substances, or any materials that cause excessive dust or fumes.
  - 7. No call backs will be made to collect garbage after a street has been serviced.
  - 8. Hypodermic needles shall be placed in a special clearly marked "SHARPS" container. Jones Memorial Hospital also has a disposal program. Needles are not to be placed in garbage bags, even if the actual needles have been removed.
  - 9. All persons setting garbage at curbside shall set it on their own property. It is not to be set on other's property. People residing outside the Village shall not deposit garbage within the Village other than at the County operated Transfer Station.
- B. Bulky trash will be collected on a schedule determined and announced by the Village Board. The following regulations apply to bulky trash collection:
  - 1. Collection will be made at curbside only. Village trucks will not enter private property.

2. Bulky items for collection must be at curbside by 6:00 am on the first Monday of the designated week. Trash shall not be placed for collection more than five days prior to the beginning of collection.
3. Customer must register for pick-up of bulky trash in advance. Payment shall be made at locations designated by Village Board prior to collection.
4. Waste lumber and/or wood must be in lengths of three feet or less.
5. Junk automobiles, automobile parts, tires, liquid waste, animal wastes, computer equipment, televisions, toxic flammable or explosive substances, lawn debris, twigs, branches and trees will not be collected.
6. Items shall be sorted in the following manner:
  - i. Steel/metal
  - ii. Trash (furniture, ect)
  - iii. Lumber and wood wastes
  - iv. White goods
7. No callbacks will be made to pick up materials set out after a street has been serviced for that group.

\*In the case of non-compliance with the above noted regulations, the refuse will not be collected and the resident will be required to properly dispose of it within 24 hours after notification by the Village to do so. Non-compliance with these regulations will be considered a "violation" as defined in the Penal Law. Upon conviction, the penalty shall be fine and/or imprisonment as allowed by the Penal Law.