

Landfill & Refuse Collection and Disposal

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 Village of Wellsville, New York, to implement 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. 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.
- E. As the landfill is no longer in use the local law now applies to its maintenance and not its ongoing operations so those related provisions have been removed.

SECTION 2. DEFINITIONS:

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

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

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 or the environment when improperly treated, stored, transported, disposed or otherwise managed.
- B. Such wastes shall include but not be limited to wastes which are bioconcertrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing, or infectious, 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. 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 conspicuously attached to such vehicle, in accordance with the rules and regulations of the Department of Public Works, a valid permit issued 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. LOST PROPERTY:

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

SECTION 5. 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 6. PURPOSE AND INTENT

Due to the high commercial 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 arrange for refuse collection and disposal. 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 recycling, garbage and solid waste. Depending upon external factors and costs the Board of Trustees may subcontract collection services to a third party and may, or may not, provide for the collection of bulky trash and/or brush from residential customers upon request. These arrangements and fees may be changed from time to time through board resolution.

SECTION 7. 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.

B. Computation

- ~~1.~~ User fees shall be based on the direct cost incurred by the Village of Wellsville for providing, administrating and/or subcontracting collection services. Based upon cost information available as of date, the user fee for the collection of garbage and solid waste is hereby set at \$14 per month per dwelling unit.
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, administrating and/or subcontracting collection services.

SECTION 8. 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 9. 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 20 days after the mailing of the invoice. Amounts outstanding after 20 days shall accrue penalties as allowed by New York Law.

- B. Any additional fees, such as bulky trash collection fees if the service is provided, shall be paid in advance of the collection date at the Village Clerk's Office.

SECTION 10. 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, past due as of March 1 of each year, and not paid before April, of the same 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 11. PROCEDURES FOR CHANGING USER FEE SCHEDULE:

- A. The Village of Wellsville Board of Trustees shall include proposed fee changes as part of the annual budget hearing or conduct a public hearing prior to changing any fees. 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 hearing 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 budget or public hearing, the Village Board shall be free to adopt a resolution to change the user fee. 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.
- 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 12. COLLECTION PROCEDURES:

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. Recycling will be picked up weekly or by-weekly. 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 and mandatory recycling collection.
 1. Recycling shall be separated from garbage.
 2. Collection will be made at curbside only. Village or subcontracted 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.
 3. 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.*
 4. 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.

5. The Village or subcontracted companies are is not responsible for any spillage or upset of the containers other than such as may be made by Village personnel or subcontracted employees. Persons placing garbage for collection are responsible for cleaning of spills caused by any other reason.
 6. Hot ashes will not be picked up.
 7. 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.
 8. No call backs will be made to collect garbage after a street has been serviced.
 9. 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.
 10. 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.
 11. Recycling shall be placed in a separate container. Glass bottles, cans, and plastic containers shall be rinsed out and have labels removed. Card board shall be broken down and bundled. All paper products shall be kept dry.
- B. As of August 1, 2016 bulky trash will not be collected by the village since it does not have assigned staffing to do so. If it is collected in the future the schedule will be determined and announced by the Village Board. The following regulations would apply to bulky trash collection through the end of July and any other time collection is authorized by the Village Board:
1. Collection would be made at curbside only. Trucks would not enter private property.
 2. Bulky items for collection would have to be at curbside by 6:00 am of the scheduled collection day. Bulky items would not be placed for collection more than five days prior to the beginning of collection.
 3. Customer would register for pick-up of bulky trash in advance. Payment would be made at locations designated by Village Board prior to collection.
 4. Waste lumber and/or wood would have to 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 would not be collected.
 6. Items would need to be sorted in the following manner:
 - i. Steel/metal
 - ii. Trash (furniture, etc.)
 - 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.