

REFUSE DISPOSAL

Chapter 40

REFUSE DISPOSAL

PART 1

Garbage, Rubbish and Refuse

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[HISTORY: Adopted by the Attica Village Board 6-6-2000 by L.L. No. 6-2000. Amendments noted where applicable.

General References

Brush, grass, weeds, garbage and rubbish- See Ch. 10.

Outdoor burning – See Ch. 35

Property maintenance; unsafe or abandoned buildings – See Ch. 37.

Editor’s Note: This local law also repealed former Ch. 40, Refuse Disposal, consisting of Part 1, Garbage, Rubbish and Refuse, adopted 4-20-1989 by L.L. No. 2-1989, and Part 2, Recycling, adopted 8-20-1992 by L.L. No. 7-1992.

REFUSE DISPOSAL

Part 1
Garbage, Rubbish and Refuse

Article I
General Provisions

40-1. Definitions.

Whenever used in this Part 1, 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:

ASHES- The residue of the combustion of any type of solid fuel, such as wood, coal, coke, charcoal and like substances.

AUTHORIZED AGENT – A person who has agreed in writing to issue distinctively labeled garbage bags on behalf of the village and to pay the necessary fees thereof.

BIOMEDICAL WASTE – All solid waste generated by a medical facility related to any medical use, including but not limited to the following: tongue depressors, cotton swabs, medical gloves, surgical gowns, table paper, hypodermic needles, intravenous tubing with needles attached, syringes, test tubes, blood samples, pipettes, lances, scalpels, smears, bloody gauze wraps, pathological waste, human blood, cultures etc.

CASUAL TRASH – Single newspapers, food, gum, candy wrappers, ice cream bags and sticks, individual sheets of paper, empty paper or plastic bags or like food items that a passerby might carry and discard, such as tissues or food containers from which the discarding person consumed food. “Casual trash” does not include commercial, business or household garbage, trash or waste.

DISTINCTIVELY LABELED GARBAGE BAGS – A plastic bag of such size and design as shall be determined by the Board of Trustees, containing a distinctive label, to be used for the collection and disposal of garbage, trash and refuse in the Village of Attica.

DUMPSTER – A waste receptacle, publicly or privately owned, for the disposal of litter, garbage, refuse, rubbish and casual trash..

GARBAGE – All organic waste materials, both animal and vegetable.

HAZARDOUS WASTE:

- A. A waste or combination of 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 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 of or otherwise managed.

- B. All those chemicals, wastes, oils, gasoline and/or all those articles or materials listed under 27-0903 of the Environmental Conservation Law, as drawn up by the Commissioner.

ITEM-SIZE DISPOSAL FEE – A fee for the disposal of items that will not fit in a distinctively labeled garbage bag or fall under a specific fee established by the Board of Trustees. The item-size disposal fee shall be established by the Board of Trustees and shall be posted at the transfer station.

JUNKYARDS and DUMPING YARDS – The use of any lands in the village for the operation of storing, selling or disposing of junk, discarded items, automobiles or the private dumping and disposal of items.

LIQUIDS – Any fluid or fluid-like matter, including, but not limited to, paint or paint-like products.

LITTER - Garbage, refuse and rubbish and casual trash, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tend to create a danger to public health, safety and welfare.

PERSON - An individual, trust, firm, joint-stock company, corporation, partnership, association or any interstate body.

PERSON IN CHARGE – A natural person, association, partnership, firm or corporation that occupies, manages, uses or controls a premises.

REFUSE - All other waste material not otherwise specifically defined, including leaves, branches, twigs, bushes or other similar products.

REFUSE TRANSFER STATION - The area of land designated by the Village of Attica for the compaction and other disposal of refuse, garbage and trash.

RUBBISH- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

SPECIFIED FEE SYSTEM- A list of specified fees established for the disposal of certain identified items, which list shall be established by the Board of Trustees and posted at the refuse transfer station.

TRASH – All discarded material not suitable for further use.

40-2. Establishment of refuse transfer station.

The Village of Attica has hereby created a refuse transfer station currently situate on the east side of Exchange Street near the Village Municipal Building. The Village of Attica shall have the ability, as necessary, to add, delete, modify or change the location of any refuse transfer station or refuse area established hereunder.

40-3. Hours of use.

The refuse transfer station shall be open and in use only on such days and for such hours as shall be designated by the Board of Trustees.

40-4. Regulations and restrictions.

The following regulations and restrictions are hereby established:

- A. All garbage, trash and refuse that is allowed to be disposed of at the Village of Attica refuse transfer station, unless hereinafter set forth, shall be disposed of through the use of a distinctively labeled garbage bag.
- B. Garbage, trash and refuse which will not fit into a distinctively labeled garbage bag and which is permitted to be disposed of at the refuse transfer station by the payment of a set fee per the specified fee system as posted at the refuse transfer station.
- C. Tires may be disposed of at the refuse transfer station, but shall not be placed into the trash compactor, regardless of whether they would be able to fit into a distinctively labeled garbage bag. The Village Board of Trustees also shall retain the right to prevent the disposal of other items in the distinctively labeled garbage bags in the future. The Village Board of Trustees also shall retain the right to direct where the items are collected for disposal and may direct that items not be placed into the compaction area.
- D. Any unit brought in for disposal that contained freon gas must be gas-free and tagged as such.

40-5. Prohibited disposal.

- A. Public property. No person shall place, throw or deposit or cause to be placed, thrown or deposited or allow any garbage, refuse, litter, papers, casual trash, hazardous waste, biomedical waste, liquids, rubbish or any other item upon any sidewalk, street, alley, lane, gutter or any public ground in the village or into any stream, or adjacent to said village.
- B. Private Property. No person shall place, throw or deposit or cause to be placed, thrown or deposited or allow any garbage, refuse, litter, papers, casual trash, hazardous waste, biomedical waste, liquids, rubbish or any other item upon the property of another person.
- C. Burning or burying. No person shall bury or burn or cause to be buried or burned any garbage, refuse, litter, papers, casual trash, hazardous waste, biomedical waste, liquids, rubbish or any other similar item within the village limits.

- D. Private collection. The Village of Attica may, from time to time, collect refuse and trash from the homeowners' sites in the Village of Attica. The Village of Attica shall publish the times of the year that this collection will be picked up. No person shall cause any material to be put out for collection longer than a maximum of 72 hours before the advertised trash collection time. No person shall put out any item after the advertised collection time has passed.
- E. Truckloads contained. No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed, loaded and covered so as to prevent any load or contents from being blown or deposited upon any street, alley or other private or public property.
- F. Junkyard and/or dumping yard. No person shall operate a junkyard and/or dumping yard within the village.

40-6. Garbage from outside village; hazardous wastes.

- A. Garbage or trash originating outside the village. No person shall bring into, place or deposit in or cause to be brought into, placed or deposited in the village any garbage, refuse, litter, papers, casual trash, hazardous waste, biomedical waste, liquids or rubbish originating outside the village for the purpose of disposing of same in the village.
- B. Permitting disposal of garbage or trash from outside the village. No Person who is a resident of the village or an owner, lessee or person in control of real property within the village shall permit any person to bring in, place or deposit garbage, refuse, litter, papers, casual trash, hazardous waste, biomedical waste, liquids or rubbish originating outside the village on any real property owned or leased by him or her under his or her control.
- B. Hazardous waste, liquid or biomedical waste. No hazardous waste, liquids or biomedical waste shall be disposed of in the Village of Attica transfer station regardless of whether originating within the Village and Town of Attica or outside therefrom.

**ARTICLE II
Collection Fee System**

40-7. Authorized agent.

Any person operating a place of business within the Village of Attica or the Town of Attica may become an authorized agent to issue distinctively labeled garbage bags on

behalf of the village. Such authorized agent shall pay to the village the designated collection fee established by the village for each distinctively labeled garbage bag upon the receipt of same. In addition, the authorized agent may add a service charge to the sales price of the distinctively labeled garbage bags; this service charge shall not exceed the limit set by the Village Board of Trustees.

40-8. Unauthorized bags.

No person shall:

- A. Use any garbage bag or trash bag other than a distinctively labeled garbage bag issued by the village for the disposal of garbage and trash.
- B. Duplicate or imitate any distinctively labeled garbage bag issued by the village.
- C. Give, sell or issue in any manner a duplicated or imitated distinctively labeled garbage bag.

ARTICLE III
Establishment of Fee Provisions; Modifications

40-9. Fees established.

The Board of Trustees of the Village of Attica shall establish the cost of the distinctively labeled garbage bags; included in that cost shall also be the service charge for the authorized agent. In addition, the Board of Trustees of the Village of Attica has established that the following items shall be accepted at the refuse transfer station and that the disposal fees for each shall be posted at the refuse transfer station: Air conditioners, hot-water heaters, furnaces, couches, televisions, truck tires, unleaded paint, appliances, washers and dryers, pianos, chairs, tires and rugs.

40-10. Modification

The Village of Attica retains the right to alter and amend the costs of the specified fee system, item-size disposal fee and the fee for the distinctively labeled garbage bags. The modification of these charges may be established by the Village Board by resolution. In addition, the Village Board shall also have the ability, by resolution, to make further changes and restrictions of what may or may not be disposed of at the Village of Attica refuse transfer station.

ARTICLE 1V
Penalties: Severability

40-11. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be punished by a fine not to exceed \$250.00 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment. In the event that a person is notified of a violation of this Part 1 and refuses to correct the action complained of, each day the item is not corrected shall be a separate violation of this Part 1.

40-12. Severability.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.

REFUSE DISPOSAL

**Part 2
Recycling**

ARTICLE V

Source Separation and Collection

40-13. Findings; purpose.

- A. The village finds that the removal of certain material from the solid waste stream will decrease the amount of solid waste disposed of in the landfills and aid in the conservation of valuable resources.
- B. The village finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring separation of recyclable and reusable material from solid waste.
- C. The village finds that in order to protect the health, safety and welfare of the people of the village, it is necessary for the village to enact this Part 2 in order to encourage and facilitate the maximum recycling practicable on the part of every household, business and institution within the village.
- D. The village declares that the purpose of this Part 2 is to establish and implement recycling-related practices and procedures to be applicable to all waste generators within the village.

40-14. Definitions.

As used in this Part 2, the following terms shall have meanings indicated:

AUTHORIZED FACILITY – A public or private facility or facilities where recyclables may be delivered for disposal, including but not limited to drop-off centers, material recovery facilities or other such public or private facilities.

RECYCLABLES - Any material designated from time to time by the Village Board of the Village of Attica, provided that such material is not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or refuse value.

SOLID WASTE - All putrescible and nonputrescible solid waste, including but not limited to materials or substance discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or which are being accumulated, stored or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-form special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

SOURCE SEPARATION - The separation of recyclable material from the solid waste stream at the point of generation for separation collection, sale or other disposition.

VILLAGE - The Village of Attica, New York.

WASTE GENERATOR - Any person, household, business, governmental agency, municipality or other legal entity which produces solid waste requiring off-site disposal.

WASTE HAULER – All persons engaged in the commercial collection, transportation and/or disposal of solid waste and/or recyclables generated, originated or brought within the village.

40-15. Preparation of recyclables for collection.

- A. Each waste generator in the village shall source-separate recyclables from solid waste.
- B. Each waste generator in the village shall provide for the removal of recyclables from the property on which they are generated, either through a private hauler or by direct haul by the individual waste generator to an authorized facility.

40-16. Waste Haulers.

- A. All waste haulers in the village shall offer or cause to be offered to their customers collection, transportation and disposal services for recyclables to the same extent any such waste hauler offers collection, transportation and disposal services for

solid waste. Such services shall be provided on the same day as solid waste pickup, transportation or disposal services are provided.

- B. No waste hauler shall be required to accept for collection solid waste which has not been source-separated, hazardous waste or biomedical waste.

40-17. Penalties for offences; enforcement.

- A. Failure of a residential waste generator to comply with the provisions of this Part 2 shall result in a fine for each violation as follows: \$25 for the first violation; \$50 for the second; \$75 for the third; and \$100 for each subsequent violation.
- B. During any 12 consecutive months, the failure of a commercial waste generator to comply with the provisions of this Part 2 shall result in a fine for each violation as follows: \$50 for the first violation; \$100 for the second; \$150 for the third; and \$200 for each subsequent violation.
- C. Failure of a waste hauler to comply with the provisions of this Part 2 shall result in a fine for each violation as follows; \$100 for the first violation ; \$200 for the second; \$300 for the third; and \$400 for each subsequent violation.
- D. The village shall be primarily responsible for the enforcement of this Part 2 and collection of all fines and penalties provided herein.

40-18 Severability.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgement shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.