

**VILLAGE OF CHITTENANGO
VILLAGE BOARD RESOLUTION**

September 22, 2022

LOCAL LAW NO. A OF 2022

("A Local Law Replacing Village of Chittenango Code, Chapter 87, Controlling Garbage,
Rubbish and Refuse in the Village)

The following resolution was offered by Trustee _____, who moved its adoption, seconded by Trustee _____, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2022, a local law to replace Village of Chittenango Code, Chapter 87, Controlling Garbage, Rubbish and Refuse in the Village was presented and introduced at a regular meeting of the Village Board of Trustees of the Village of Chittenango held on September 22, 2022; and

WHEREAS, a public hearing was held on such proposed local law on October 27, 2022, by the Village Board of Trustees of the Village of Chittenango and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Village Board of Trustees of the Village of Chittenango in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on September 22, 2022, the Village Board of Trustees declared itself lead agency and determined that the enactment of proposed Local Law No. A-2022 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2022.

NOW, THEREFORE BE IT RESOLVED that the Village Board of Trustees of the Village of Chittenango, Madison County, New York, does hereby enact Proposed Local Law No. A-2022 as Local Law No. 1-2022 as follows:

**“VILLAGE OF CHITTENANGO
LOCAL LAW NO. 1 OF 2022**

**A LOCAL LAW REPLACING VILLAGE OF CHITTENANGO CODE, CHAPTER 87,
CONTROLLING GARBAGE, RUBBISH AND REFUSE IN THE VILLAGE**

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

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Village Board of Trustees of the Village of Chittenango to repeal and replace Chapter 87 of Village of Chittenango Code addressing garbage, refuse and rubbish as it moves to an automated collection system.

SECTION 3. GARBAGE, REFUSE AND RUBBISH

Chapter 87 of the Village of Chittenango Code is deleted and replaced with:

§87-1 Title; applicability.

A. This article shall be known and may be cited as the "Garbage, Rubbish and Refuse Law of the Village of Chittenango, New York."

B. This article shall apply to the properties located within the boundaries of the Village of Chittenango.

§ 87-2 Purpose.

This article is adopted in order to promote and protect the public health and safety, comfort, convenience, prosperity and other aspects of the general welfare of the residents of the Village of Chittenango and, in addition thereto, to protect property, to preserve property values and to eliminate fire, safety and health hazards by regulating the collection, storage and disposal of garbage, rubbish and refuse within the Village of Chittenango.

§ 87-3 Definitions.

A. The following words, as used in this article, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning.

BRUSH

Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

CODE INSPECTOR

Includes Code Enforcement Officer or any other person authorized to perform inspections and issue violation orders.

CONSTRUCTION DEBRIS

Discarded building material refuse matter resulting, or the erection, repair of structures or other improvement of property.

DUMPING

Throwing, depositing or burning of solid waste in or upon any public highway, street or other public place.

ELIGIBLE PROPERTIES

The following meet the criteria for Eligible Properties, based on Madison County's Property Classifications:

A. One family year round residence	M. Small retail outlet
B. Two family year round residence	N. Funeral homes
C. Three family year round residence	O. Downtown row type (detached)
D. Rural residence with acreage	P. Converted residence (adapted for business)
E. Residential (Multi-purpose/multi structure)	Q. One story small structure

F.	Apartments	R.	One story small structure multi occupant
G.	Diners and luncheonettes	S.	Religious
H.	Bar	T.	Health
I.	Auto body, tire shops	U.	Government
J.	Lumber yard	V.	Highway Garage
k.	Retail services	W.	Police and fire protection
L.	Area or neighborhood shopping centers		

GARBAGE

All table refuse; animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; offal from meat, fish and fowl; fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

HANDBILLS

Any printed or written matter, any sample or device, circular, leaflet, pamphlet, booklet or other printed or otherwise reproduced original or copy of literature which:

1. Advertises for sale any merchandise, product, commodity or thing;
2. Directs attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;
3. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; or
4. While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

LARGE HOUSEHOLD FURNISHINGS

Large and/or other bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, carpets, mattresses and box springs, but excluding major appliances.

MAJOR APPLIANCES

A large household mechanism, such as a refrigerator, washer, dryer, stove, etc., ordinarily operated by gas or electric current.

NONRECYCLABLE REFUSE AND RUBBISH

Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing and straw, including garbage.

NONRESIDENTIAL PRODUCERS

Any producer of garbage, refuse and recyclable materials other than a residential producer, including but not limited to commercial or industrial businesses, restaurants, plazas, malls and the like.

PERSON

An individual, society, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

RECYCLABLE CONTAINER

A Village-authorized container(s) used for the storage and disposal of recyclable rubbish.

RECYCLABLE RUBBISH

Rinsed food containers, such as metal cans, glass and plastic food containers; newspaper, magazines, cardboard and flat paper; and plastic materials and bottles with metal rings and tops removed and determined by Madison County Department of Solid Waste.

RESIDENTIAL PRODUCERS

Those persons, owners or occupants of single-family or multifamily dwellings not exceeding four units, used exclusively for residential purposes, which produce garbage, non-recyclable refuse and recyclable rubbish.

DEPARTMENT OF PUBLIC WORKS OFFICIAL

Shall include the Department of Public Works Supervisor, Crew Chief, Working Crew Chief and/or his/her designees.

SOLID WASTE

Includes but shall not be limited to garbage, nonrecyclable rubbish, recyclable rubbish, construction debris, major appliances, large household furnishings, brush and tree parts, grass and leaves.

TOTE

A Village-authorized container(s) for the storage and collection of garbage and nonrecyclable refuse and rubbish. All totes assigned by the Village of Chittenango (not including any totes purchased by the property owner) to each location shall be owned by the Village of Chittenango, shall remain at that location, and shall not be removed from said location.

TREE PARTS

Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

YARD WASTE

Grass clippings, leaves, flowers and vegetable trimmings.

B. None of the terms defined in this section shall be deemed or construed to include vehicular tires, tire casings, oil or batteries.

§ 87-4 Separation and preparation.

A. Each person who places any item at the curb for collection and disposal by the Village of Chittenango shall separate non recyclable refuse and rubbish from recyclable rubbish, and such person shall prepare the same for collection and disposal in accordance with this article.

B. Totes conforming to the specifications of this article shall be used when storing or placing garbage and nonrecyclable refuse and rubbish for collection by the Village. When filled, a tote shall not exceed 150 pounds in weight.

C. Recyclable rubbish.

(1) Recyclable rubbish shall be placed in recyclable containers.

(2) A recyclable container, when filled, shall not exceed 50 pounds. Glass, metal and plastic recyclables shall have their contents removed, be thoroughly drained of liquid and rinsed and dry prior to being deposited for collection.

D. All brush and tree parts generated by the individual activity or efforts of the owner or occupant of the premises shall be containerized or neatly piled in bundles in lengths not to exceed 48 inches in length and 12 inches in diameter and weighing no more than 40 pounds.

E. Plaster, wood and shingles which result from work performed by an individual owner or occupant of a single- or two-family residential dwelling may be placed for collection and disposal by the Village of Chittenango, but such plaster, wood and/or shingles must first be placed in an authorized container and in accordance with this chapter.

F. All major appliances, large household furnishings or other bulk garbage not capable of being placed in totes or which are recyclable as provided herein may be placed at the curblane or pavement line only on the scheduled pickup collection day for bulk items and in accordance with the rules, regulations and fee schedule promulgated by the Village of Chittenango Board of Trustees.

G. All cut grass, leaves and garden clippings shall be placed in containers, which when filled do not exceed 50 pounds in weight, or in biodegradable paper bags, which when filled shall not exceed 40 pounds in weight. In the fall leaves may be raked into piles and accumulated along the

curb for collection by the Department of Public Works. Cut grass, leaves and garden clippings shall not be placed in Village-provided totes or in streets.

H. Solid waste shall not be placed on any public street or on any premises unless the same is in a tote or arranged as required by this section.

I. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the Village of Chittenango, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.

§ 87-5 Containers and storage.

A. The village will provide an authorized tote, not to exceed 96 gallons, to each eligible property (see Eligible Properties definition). Fees may be included for extra totes. Totes shall be used for the collection, storage and disposal of all garbage and nonrecyclable refuse and rubbish that may accumulate or be produced by them.

B. Garbage and nonrecyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled.

C. All totes shall be maintained in good condition by property owners to which the tote was distributed. All reusable refuse containers and totes shall be kept as sanitary as possible. All totes shall be stored on the property producing the solid waste.

§ 87-6 Placement of containers for collection.

A. All Village-authorized totes and recyclable containers shall be transferred to the right-of-way or pavement line in front of the premises by householder or property owner, or their designee, in accordance with the rules and regulations, unless otherwise directed by the Department of Public Works.

B. No garbage, non-recyclable refuse and rubbish or recyclable rubbish shall be set out for collection before or after the dates and times designated per §87-9(B).

C. Totes and recyclable containers shall be removed from the right-of-way within 12 hours after being emptied to a location within, behind or beside any structure or building on the property.

§ 87-7 Collection and disposal.

A. The Village of Chittenango shall provide for the collection and disposal of solid waste produced by residents, provided that such garbage and non-recyclable refuse and rubbish was at the property and is placed for disposal in accordance with the rules and regulations promulgated by the Village of Chittenango Board of Trustees, except where expressly prohibited by this article.

B. The Village of Chittenango will collect cut grass, brush and tree parts produced by residents, provided that such cut grass, brush and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal in accordance with the rules and regulations promulgated by the Village of Chittenango Board of Trustees.

C. Village employees or equipment shall not enter private, residential property or structures in making collections, unless specifically directed by the DPW Supervisor.

D. The Village shall have no obligation to pick up and remove any solid waste which was not produced within the confines of the Village of Chittenango.

E. Ownership of rubbish which has been placed at the curb for collection in accordance with this article shall vest in the Village of Chittenango.

F. No person shall engage in the collection of garbage, non-recyclable refuse and rubbish or brush within the Village of Chittenango other than the Village or a person to whom a garbage collection license has been issued or the successors of such person under contract with the Village of Chittenango.

§ 87-8 Prohibited deposits or accumulations.

A. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.

B. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property, except as provided in this article or under the authorization, supervision and direction of the head of the Department of Public Works.

C. Vehicular tires and tire casings will not be picked up or removed by the Village of Chittenango or any agency thereof.

D. Dangerous, hazardous or chemically toxic wastes.

(1) The Village of Chittenango shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:

(a) Dangerous wastes: wastes that represent an immediate threat to the safety of Village employees and general public, such as jagged or protruding objects, broken glass, nails etc.

(b) Hazardous wastes: wastes as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:

[1] Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.

[2] Corrosive wastes, such as battery acid, metal cleaning bath sludges (e.g., sodium hydroxide and sulfuric or hydrochloric acid).

[3] Reactive wastes, such as cyanide metal plating sludges, or any waste that will react violently with water or generates toxic gases, vapors or fumes (e.g., sodium metal).

[4] EP toxicity wastes which produce an extract containing contaminants, such as arsenic, lead, chromium, silver or herbicides, or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in the state law and regulations thereto.

[5] Toxic wastes, such as sludges from solvent recovery, solvents and the industry specific wastes listed in Part 371, Section 371.4(b).

[6] Oil-based, alkyd-based or enamel-based paint. (Empty, dry paint containers are permissible.)

(2) Dangerous, hazardous, chemically toxic wastes shall be disposed of by the owner or producer of the same.

E. It shall be the duty of every person, owner or occupant of every property within the Village to keep such buildings free and clear of all kinds of solid waste and to keep sidewalk and yard areas clean.

F. No dirt, stone, brick, concrete, railroad ties or other substance that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Public Works, but shall be otherwise disposed of by the owner or contractor, unless it is placed in an authorized container and in accordance with this chapter.

G. The Village of Chittenango shall not collect or accept waste oils.

H. No person shall release or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the Village.

I. No person shall release or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute a noncommercial handbill to any occupant of a vehicle who accepts it.

§ 87-8.1 Owner responsibility.

The owner of the premises where the solid waste is generated shall be responsible for ensuring compliance with the provisions of this article.

§ 87-9 Supervision; promulgation of rules and regulations.

A. The collection and disposal of solid waste shall be under the supervision and control of the Department of Public Works, as authorized by the Mayor.

B. The Department of Public Works Supervisor, or their designee, shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of solid waste, including limits on when

garbage, non recyclable refuse and rubbish or recyclable rubbish shall be set out for collection, as authorized by the Mayor.

C. The collection and disposal of recyclable waste shall be under the supervision and control of the Village of Chittenango.

D. The Village of Chittenango Board of Trustees shall adopt rules and regulations concerning all matters pertaining to the collection and disposal of recyclable rubbish, including a fee schedule.

§ 206-10 Violations; penalties for offenses.

A. The Department of Public Works Supervisor, Police Department officers and Code Inspectors, or their designees, may issue an order to remedy any condition that violates any provision of this chapter. Such an order shall specify the noncompliant condition, the action needed to correct the condition and the date by which the condition shall be corrected. The order to remedy shall be posted on the subject property and served by first class mail on the owner of record. Failure to comply with the order to remedy by the specified date shall constitute a violation.

- (1) Any person who is found in violation of this article, or who has failed to appear pursuant to an appearance ticket, shall, upon conviction thereof, be subject to:
 - a. a minimum fine of \$25 for the first violation;
 - b. a minimum fine of \$50 for the second violation; and
 - c. a minimum fine of \$100, or imprisonment of not more than 15 days or both such fine and imprisonment, for the third and subsequent violations.
- (2) The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. Removal by Village. In the event that the violation is not abated within the prescribed time or, in the opinion of the Village, the violation is of such condition that immediate action must be taken to protect the health and safety of the population of the Village, the Village, its agents or employees shall be empowered to enter upon the subject premises or any exterior portion thereof and to remove the items that constitute such violation using the most practicable method available.

C. Calculation of removal costs. Upon completion of the removal by the Village, the Department of Public Works Supervisor shall prepare and submit a report to the Village Treasurer for reimbursement for the removal as follows: Property owners shall be billed for services rendered so as to recover the cost of labor and equipment and tipping fees, if applicable. A minimum mobilization charge of \$100 shall be added to each bill for removal.

D. Billing for removal costs and additions to tax levy. Any unpaid bills for removal by the Village as authorized above remaining unpaid after 30 days shall be added to the next Village tax bill of the property owner of record.

E. The record owner(s) and the occupant(s) of the property shall be deemed jointly and severally responsible for each and every violation of any of the provisions of this article or of any of the rules promulgated by the Village.

F. The failure of the Village to take action against either the record owner(s) or occupant(s) of the property for a violation shall not be deemed to be a waiver of the Village's right to enforce the provisions of this article for subsequent violations.

G. If no owner can be found in the Village of Chittenango and the Village of Chittenango is unable to issue an appearance ticket for violation of this article, the Village, its agents or employees shall be empowered to enter upon the subject premises or any exterior portion thereof and to remove the items that constitute such violation using the most practicable method available and a minimum mobilization charge of \$250 and the actual costs of such removal and other additional costs in connection therewith, shall be certified by the appropriate Village agent to the Village Treasurer and shall thereupon become and be a lien upon the property on which such removal occurred and shall be added to and become and form 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.

H. In addition to the remedies set forth above, the Department of Public Works Supervisor shall have the discretion to refuse to collect the materials which are improperly separated and/or prepared and/or placed for collection. He/she may provide for pickup of said materials on the next scheduled collection date for that area or at such other time as he/she deems reasonable, provided that the appropriate rules and regulations pertaining to the materials collected are fully complied with.

I. Unauthorized dumping shall be punishable by a minimum fine of \$250.00.

§ 87-11 Severability; supersession of other laws.

A. The declaration of any section of this article by a court of competent jurisdiction to be invalid shall not invalidate the entire article, but only that part thereof so declared to be invalid, and the remainder of said article shall remain in full force and effect.

B. Any and all laws, rules, regulations or ordinances affecting the collection of refuse and recyclables in the Village of Chittenango are hereby declared to be superseded by this article.

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect February 1, 2023. The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Russell Wehner	Trustee	Voted	Yes/No
Wayne Horning	Trustee	Voted	Yes/No
Melinda Kopp	Trustee	Voted	Yes/No
Colleen Baldwin	Trustee	Voted	Yes/No
Elizabeth Bough Martin	Mayor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: September 22, 2022

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Village Clerk/Treasurer of the Village of Chittenango, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Village on September __, 2022.

DEBRA THAYER
Village Clerk/Treasurer

(SEAL)