

## Chapter 150: SOLID WASTE

### GENERAL REFERENCES

Littering — See Ch.

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## ARTICLE I Collection and Disposal of Solid Waste

### § 150-01. Legislative intent.

The Village Board of the Village of South Blooming Grove finds it necessary to the preservation of the appearance of the Village, the prevention of health hazards and the convenience and financial well being of the citizenry to regulate the collection and disposal of solid waste. It is the intention of the Village Board to maintain prompt, efficient, clean and courteous service by the refuse collection industry at reasonable prices and to assure compliance with federal, state and county laws and regulations.

### § 150-02. Definitions.

As used in this article, the following words and phrases shall have the following meanings:

- A. **ASHES** — The residue from burning wood, coal, coke or other combustible materials.
- B. **GARBAGE** — All vegetable, animal or other matter, liquid or otherwise, likely to ferment or decompose and produce various odors or become injurious to health and other materials commonly considered garbage.
- C. **REFUSE** — Ashes, sweepings, paper materials, rags, bottles, tin cans, glass, crockery and similar materials.
- D. **VILLAGE** — Village of South Blooming Grove
- E. **VILLAGE BOARD** — the Board of Trustees of the Village of South Blooming Grove
- F. **TOWN** — Town of Blooming Grove
- G. **TOWN BOARD** — Town Board of the Town of Blooming Grove
- H. **TOWN CLERK** — Clerk of the Town of Blooming Grove
- I. **TOWN WIDE REFUSE DISTRICT** — Town of Blooming Grove Town Wide Refuse District
- J. **TOWN SUPERVISOR** — Supervisor of the Town of Blooming Grove

### § 150-03. Placement for collection; containers.

All garbage placed for collection and removal by the residents of the [Village of South Blooming Grove and affiliate with the Town of Blooming Grove "Town Wide Refuse District"](#), shall be contained in closed containers of metal or plastic type and in plastic bags and in such manner as will permit proper collection by the collector. Such containers other than plastic bags shall have close-fitting corners and adequate handles to facilitate collection and shall have a capacity of not less than 10 nor more than 30 gallons and must not weigh more than 65 pounds gross, except that bulky rubbish, such as, newspapers, collapsed boxes, may be compactly tied and bundled so as to be easily handled and not likely to be scattered, but not to exceed three feet in length nor more than 50 pounds in weight, and when so tied and bundled may be stored beside the containers. Plastic bags, when used, shall be securely closed at the top and shall not weigh more than 50 pounds gross. All containers named shall conform to Chapter 102 "Property Maintenance" of the Village of South Blooming Grove

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### § 150-04. Place of collection.

All materials to be collected shall be placed at the curbs in clear view not later than 7:00 a.m. on days scheduled for collection thereof. All such containers shall be removed from the curbs within a reasonable time after such collection and, in any event, not later than 24 hours after collection.

### § 150-05. Refuse not to be considered for collection.

The following shall not be considered for collection:

- A. Materials resulting from the repair**, construction or excavation of buildings or structures or streets or sidewalks, such as earth, plaster, mortar, concrete, brick, lath and roofing materials.
- B. Dangerous materials or substances**, such as poisons, acids, caustics, infected materials and explosives; flammable or highly combustible matter, such as cleaning establishment wastes or other industrial wastes found to contain varnish, paint, thinners or other dangerous materials; ammunition; oil drums, either full or empty, cans or barrels containing combustible liquids; Energy saving light bulbs containing mercury
- C. Lawn clippings**, tree trimmings, tree stumps; tree trunks; firewood; railroad ties; telephone poles; dirt, rock, asphalt or large wooden crates or boxes; stones or quantities of sod
- D. Rubber tires of any size**; rubber wastes; battery cases; tar cans; any large metal products or abandoned machinery
- E. Computer equipment**; Electronic equipment containing hazardous metals, Computer Monitors, Televisions, Motherboards,
- F. Materials**, which have not been prepared in accordance with this article or any hazardous waste as defined by Article 27 of the Environmental Conservation Law and the regulations promulgated thereunder.
- G. Any material classified as toxic** waste by 6 NYCRR 366, the identification and listing of hazardous wastes pursuant to Article 27, Title 9, of the Environmental Conservation Law or any ensuing legislation more restrictive than currently in force.

### § 150-06. Frequency of collection.

All garbage, ashes and refuse shall be collected in accordance with the schedule approved from time to time by the Village Board of Trustees and/or the Town Board.

### § 150-07. Service charges.

- A.** The charge for the collection of refuse and garbage for annual residences shall be at one charge per residence annually, a residence being residential dwelling unit, and the charge for the collection of refuse and garbage for seasonal residences shall be at a different charge per season, per residence, a residence being a residential dwelling unit.
- B.** The Town Board is hereby empowered and authorized from time to time to establish the schedule of charges, fees and rates to be paid by users, which schedule may be adopted by resolution with public hearing and after adoption and amendment is to be filed with the Town Clerk. The Town Board will be empowered and authorized within the Village limits as long as the Village remains within the Town Wide Refuse District.
- C.** Refuse and garbage service charges for Village residents shall be due and payable annually on their Town Wide Tax Levy that is levied every January.

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- D. Refuse and garbage charges shall be billed to the owners of the premises on the Town Wide Tax Levy and shall be payable at the office of the town collector of taxes.

### § 150-08. Lien of refuse and garbage service charges.

- A. All refuse and garbage service charges, penalties and interest thereon shall be a lien upon the real property benefited by the refuse and garbage collection and disposal service from the date that the refuse and garbage service charge is due and payable.
- B. The Town Clerk shall annually file with the Town Board statements showing unpaid rates, charges or fees related to garbage services. Such statements shall contain a brief description of the property for which or in connection with which the refuse and garbage collection service was provided, the names of property owners liable to pay the same and the amount chargeable to each. The Town Supervisor shall transmit such statements to the Orange County Legislature, which shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of such town under the name of "Refuse and Garbage Charges." Such tax shall be paid to the Town Supervisor. All provisions of the existing Town Law of the State of New York covering the enforcement and collection of unpaid town taxes not inconsistent herewith shall apply to the collection of such unpaid charges for the collection of refuse and garbage.

### § 150-09. Lands to be kept clean.

- A. Responsibility of owner or tenant. The owner, lessee, tenant or other person having the management or control of or occupying any lot or plot of land in the Village shall keep such land at all times free and clear of any accumulation of ashes, rubbish, refuse, grass cuttings, leaves, garbage, waste materials, offal or any offensive substances except such as are deposited in containers or are otherwise secured as provided for in this article for collection and disposal.
- B. Use of vacant land. No person shall deposit, throw, cast or bury ashes, rubbish, grass cuttings, tree cuttings, leaves, garbage, waste material, offal or any offensive substances on any vacant lot or plot of land in the Village except ashes for the purpose of building a driveway or filling a below-grade lot.

### § 150-10. Enforcement.

The Police Department, Code Enforcement Officer, and the Building Inspector and his/her assistants shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this article.

### § 150-11. Penalties for offenses; civil penalty.

The Village may utilize any one or more of the following for the enforcement of this article:

- A. **OFFENSE.** Any violation of this article is hereby declared to be an offense punishable for each violation by a fine not to exceed \$250 or not to exceed 15 days imprisonment or both.
- B. **CIVIL PENALTY.** Every person found guilty of violating this article shall be subject to a civil penalty of \$250 for each and every violation recoverable in a civil action which remedy may be in addition to or instead of any other remedy provided for herein.
- C. **INJUNCTION.** The Village Board and/or Town Board instead of or in addition to any one or

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more of the above, may also maintain an action or proceeding in the name of the village and/or the town to compel compliance with or to restrain by injunction any violation of this article or to remedy any condition resulting from a violation. The Town Board may only enforce those sections that apply to the "Town Wide Refuse District".

- D. TERMINATION OF SERVICES.** In addition to the above remedy, the service to any delinquent account can be terminated by order of the Town Board after due notice is received by the property owner and recorded by the Village Clerk/Treasurer and acknowledged by the Village Board.

### § 150-11. Applicability.

This article shall apply to the "Town Wide Refuse Collection District" that the Village of South Blooming Grove remains there in. It shall not apply to any and all private maintained and/or privately gated and maintained area located within the Village limits. The Village reserves the right to eliminate the Village from the "Town Wide Refuse Collection District" with 6 months notice.

### § 150-12. Supersession of other laws.

This article supersedes, and is in derogation of, Chapter 150 of the Code of the Town of Blooming Grove, County of Orange, State of New York, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

### § 150-13. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### § 150-14. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### § 150-15. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### § 150-16. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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## ARTICLE II Recycling

### § 150-17. Legislative purpose

It is the goal of the Village of South Blooming Grove to reduce the total amount of solid waste disposed of by the Village. To accomplish this goal, the Village desires to implement a recycling program mandating the separation of recyclables from other refuse produced by residential and nonresidential premises. This program is further designed to protect the health and safety of the

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residents of the Village. The Board of Trustees became aware of that the mandatory recycling of certain waste materials is imperative to further the general health, safety and welfare of the Village and its residents. The Board believes that the most effective means of regulating the recycling process is implementation of laws and regulations adopted by the County of Orange.

### § 150-18. Word usage and definitions.

- A. For the purposes of this article, certain words and phrases shall be construed herein as set forth in this section unless it is apparent from the context that a different meaning is intended. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Further, a masculine pronoun shall include the feminine. The word "shall" is always mandatory and not merely directory.
- B. As used in this article, the following words shall have the meanings indicated:
- C. **ASHES** — The residue from the burning of wood, coals, coke or other combustible materials.
- D. **BULK WASTE** — An item of solid waste larger than two by two by four (2 x 2 x 4) feet or heavier than fifty (50) pounds.
- E. **CARDBOARD** — A thick paperboard, brown in color, including, but not limited to corrugated boxes, cardboard cartons, pasteboard and similar corrugated materials.
- F. **DANGEROUS SUBSTANCE** — Any material, natural or manufactured, which by itself or in concentration with other like or dissimilar material will contaminate to environmentally unsafe levels the atmosphere, soil or water, whether above or below the ground, including but not limited to any material defined as a "hazardous substance" under federal law.
- G. **GARBAGE** — Putrescible animal and vegetable wastes resulting from the preparation, handling, cooking and consumption of food. Kitchen and household refuse and table cleansings, fruit and vegetable matter and fallen fruit.
- H. **HOUSEHOLD CONTAINERS** — Shall have the meaning of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary. Shall include bottles, cans and containers of all types usually associated with foodstuff, beverages and household cleaning agents and supplies.
- I. **LEAVES** — Shall have the meaning of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary. Not included in the definition are twigs, stems, branches or grass clippings.
- J. **NEWSPAPER** — A paper product printed on newsprint, including all newspapers, newspaper advertisement, supplements, comics and enclosures. Not included in this definition are magazines and telephone books.
- K. **OFFICE PAPER** — Clean unsoiled paper, including non-carbonized untreated computer paper and stationery products; kraft paper materials, corrugated cardboard and pasteboard.
- L. **PERSON** — Any person, firm, partnership, association, corporation, company or organization of any kind.
- M. **PLASTIC, GLASS and METAL** — Shall have meaning of common usage as set forth in the latest edition of Webster's New Collegiate Dictionary.
- N. **PROHIBITED ACT** — No person shall place recyclables in the same refuse receptacle, trash container, or otherwise mix with other forms of refuse for collection, removal or disposal.
- O. **RECYCLABLES** — Discarded material that may be reclaimed, comprising solid waste consisting of Newspaper, cardboard, leaves, and plastics: HYPE and PET (coded 1 or 2), glass and metal household containers and such other materials as designated by resolution of the Board of Trustees or by the County of Orange.

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- RECYCLING CENTER** — Any combination of structure, machinery and facilities used for the off-loading of recyclables and the reloading of recyclables into vehicles for disposal and/or marketing.
- REFUSE** — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, waste paper, street cleanings, dead animals, trash, construction and demolition debris, ashes, paper boxes, bottles, tin cans, papers, rags, shoes, metal, rubber, plastic and wooden scrap and other material of the same general nature..
- RUBBISH** — Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, tree trimmings, wood, glass, bedding, crockery and similar materials. Appliances, furniture; and do-it-yourself project material, e.g., siding, plaster lathe, etc.,
- SOLID WASTE** — All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires and ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.
- TRASH CONTAINER** — A container with appropriate cover to receive hand-carried discarded paper and trash.
- VILLAGE** — The Village of South Blooming Grove.

### § 150-19. Prohibited acts.

No person shall place recyclables in the same refuse receptacle or otherwise mix with other forms of refuse for collection, removal or disposal.

### § 150-20. Recycling requirements.

- A.** Newspaper shall be separated from all other refuse.
- B.** Newspapers shall be bundled.
- C.** Ownership of recyclables set out for collection shall vest in the Village. It shall be unlawful for a person to collect, remove or dispose of recyclables which are the property of the Village without first having obtained the permission of the Village.
- D.** Any person being the original household, industrial or business owner may donate or sell recyclables to any person, whether operating for profit or not for profit. Said persons may not, however, under any circumstances, pick up said recyclables from the curbside in the Village.
- E.** No person having custody or control of residential, industrial or business premises within the Village shall permit or cause any recyclables, within his control, to become a hazard or potential hazard to public travel, health or safety or to become a nuisance of any sort.
- F.** Cardboard shall be separated from all other refuse.
- G.** Cardboard shall be bundled.
- H.** Household containers shall be separated from all other refuse.
- I.** Household containers shall be placed curbside, commingled, in a container supplied by the Village, or approved by the Village, for pickup purpose.

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### § 150-21. Rules and regulations.

The Mayor or the Village Board, as the case may be, is hereby empowered to promulgate rules and regulations as may be deemed necessary to effectuate the intent and requirements of this article.

### § 150-22. Enforcement.

The Police Department and/or the Building Inspector, his designees or any Code Inspector serving the Village shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this article.

### § 150-23. Penalties for offenses.

Any person who shall violate this article or who shall knowingly assist therein shall be subject to the following penalties:

- A. Upon the first or second offense, the offender shall be subject to a fine of not less than \$25 nor more than \$50.
- B. For a third or subsequent offense, the offender shall be subject to a fine of not less than \$50 nor more than \$100.
- C. In addition to the above-provided penalties, the Board of Trustees may also 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 such Article.
- D. Each day that a violation continues to exist shall be deemed a separate offense

### § 150-24. Orange County recycling law.

Orange County Local Law, as may be amended from time to time, and the regulations attendant thereto, collectively referred to herein as the "County Recycling Law," shall be considered as a part of this article, and shall supersede and control any provisions or requirements herein less stringent than, or conflicting with, the County Recycling Law. The County Recycling Law shall be interpreted as adding to this article. This article shall not be interpreted or applied in a way subtracting from the County Recycling Law. All terms, provisions and definitions herein shall also be understood to include those terms, provisions and definitions contained within the County Recycling Law, but not contained herein. To the extent of any conflict the County Recycling Law shall control.

### § 150-25. Supersession of other laws.

This article supersedes, and is in derogation of, Chapter 150 of the Code of the Town of Blooming Grove, County of Orange, State of New York, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

### § 150-26. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

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### **§ 150-27. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### **§ 150-28. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 150-29. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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