

VILLAGE OF TANNERSVILLE

LOCAL LAW 10 OF 1992

A Local Law to be known as

SOLID WASTE CONTAINER LAW - REVISED

BE IT ENACTED by the Village of Tannersville Board of Trustees as follows:

1. TITLE

This Local Law shall be known as the SOLID WASTE CONTAINER LAW
REVISED

2. FINDINGS

The Village of Tannersville Board of Trustees finds the collection and the disposal thereof from the Village is of serious concern to the Village from both an economic point of view to a sanitary point of view. The closing of the Town of Hunter dump and the initiation of tipping fees has confronted the Village with limited options for the disposal of its garbage.

3. PURPOSE

The purpose of this Local Law is to provide for a method of disposal of garbage and trash from within the Village which the Board deems most economical to the tax payers yet safeguarding the health and safety of its residents.

4. DEFINITIONS

As used in this Local Law, the following words shall have the following meaning:

a. "Authorized Agent" shall mean a person who has agreed to issue distinctively labeled garbage bags on behalf of the Village, and to collect on behalf of the Village the necessary costs thereof;

b. "Distinctively labeled garbage bag" shall mean a plastic bag of such size and color and design as shall be determined by the Board of Trustees, with a distinctive label clearly visible on the exterior thereof, intended to be used for the containing of the garbage to be collected by the Village.

c. "Person in charge" shall mean a natural person, association, partnership, firm or corporation that owns, manages or controls the premises, or to which the rents are paid.

5. AUTHORIZED AGENTS

a. Any person operating a place of business within the Village of Tannersville may apply to the Village Board to become an authorized agent to distribute distinctively labeled garbage bags on behalf of the Village. The Village Board may approve such authorized agent as they, in their sole discretion, deem necessary or suitable.

b. After being issued such bags and numbered receipts from the Village, said authorized agent shall make available to the public for distribution the refuse bags at the designated fee, as established by the Board of Trustees for each type or size of distinctively labeled garbage bag. All funds collected for the distribution of such garbage bags shall be kept separate from any other funds or monies in the control of the authorized agent. All refuse bag funds shall be submitted weekly, with a copy of each numbered receipt, on a day designated by the Village Board.

c. Such authorized agent shall be entitled to a distribution service charge equal to five percent (5%) as determined by the Village Board and agreed upon by the authorized agent, of total funds collected. Said distribution service charge shall be submitted by voucher and paid on the basis of audit at regular Board meetings.

6. DISTINCTIVELY LABELED GARBAGE BAGS REQUIRED FOR MUNICIPAL COLLECTION

a. All garbage and trash to be collected by the Village of Tannersville shall be placed in a distinctively labeled garbage bag and placed at the curb on the designated collection days. Any Village resident or temporary occupant of premises within the Village may dispose of their garbage in any other lawful way, provided however that in that case that person shall be responsible for any fees or charges associated therewith.

b. No person shall give, sell or otherwise distribute any duplication of the distinctively labeled garbage bags.

c. Each such bag shall cost \$2.00 per 33 gallon bag and \$1.00 per 16 gallon bag, which is intended as a revenue source to cover the tipping charge to the Village which it must pay when the garbage and trash are delivered by it to the Transfer Station operated by the County of Greene in the Town of Hunter for disposal.

7. OVERSIZED ITEMS

Any items too large to be disposed of in the regular distinctively labeled garbage bag must be disposed by the resident, tenant or businessperson by other lawful means at their own cost and expense.

8. PRESUMPTIONS

a. In the case of single or two family residential properties, it shall be presumed that the occupant or person in charge is responsible for any unauthorized garbage bags found on the premises. Since this is a resort community, all landlords are responsible for instructing the tenants about the use of distinctively labeled garbage bags and to supply a sufficient quantity of authorized refuse bags for municipal collection. If the tenant does not comply, and in view of the very transitory nature of the tenancies, it shall be presumed that the landlord is equally responsible and any penalties for non-compliance may also be directed at the landlord.

b. In the case of other multiple residential properties or commercial premises then it shall be presumed that the person in charge of the premises is responsible for the placement of any unauthorized garbage bags.

9. VIOLATIONS

a. If any unauthorized garbage bags are put out for collection, the Village shall cause notice thereof to be given to owner, occupant and person in charge by regular mail which notice shall inform them of the law and direct them as to the options for waste disposal. If they do not comply by the next regularly scheduled collection day, then the Village for sanitary and aesthetic reasons shall remove the unauthorized bags and impose a special handling fee of \$12.00 per bag for this service in addition to imposing the penalties for any violation of this Law.

b. Any person discovering or finding garbage or trash left, placed or deposited in unauthorized bags or otherwise on property under their control shall be free of presumptive responsibility for same and shall not be charged with a violation of this Local Law, providing said unauthorized refuse is, upon discovery, reported to the Village office and, if identifiable, a complaint filed against the violator.

10. SPECIAL HANDLING FEE

If the Village has to impose the special handling fee provided for in Section 9 it shall first be billed by the Village Clerk within 10 days of the violation, by certified mail return receipt requested, to the person responsible for the payment. If such fee

is not paid within 30 days after billing, the Village Clerk shall notify the Board of Trustees, which shall have the power to add the unpaid bill to the annual Village tax to said property, and the same shall constitute a lien and shall be collected in the same manner and at the same time as regular Village taxes.

11. PENALTIES

a. For the first violation of any provision of this Law there shall be a fine of not to exceed one hundred and fifty dollars (\$150.00).

b. Any person who shall violate any provision of this Local Law twice within a period of one year shall be punished for such second violation by a fine not to exceed two-hundred dollars (\$200.00).

c. Any person who shall violate any provision of this Local law three or more times within a period of one year shall be punished for such third or subsequent violation by a fine not to exceed two-hundred fifty dollars (\$250.00), or imprisonment for a period not to exceed fifteen (15) days or both.

12. SEVERABILITY

If any part of this Local Law shall be declared unconstitutional, the same shall be severed from the remainder thereof which shall remain in full force and effect.

13. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing thereof with the Secretary of State.