

VILLAGE OF ALFRED

LOCAL LAW: SOLID WASTE

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

SECTION 1: DEFINITIONS

Brush – tree branches not exceeding four inches in diameter, twigs, and shrub and ledge and lawn clippings and leaves, excluding root systems.

Bulk Items – large items and materials, including furniture, aluminum yard furniture, house furnishing and large appliances such as refrigerators, stoves, washing machines, clothes dryers, mattresses and tires.

Department – the Department of Public Works or its designated agent.

Garbage – discarded materials generated from the daily activities of an individual or group of individuals outside of recyclable materials and yard waste. “Garbage” does not include recyclable materials, as defined in this section. However, “garbage” shall include recyclable materials which cannot be recycled because of secondary household use, i.e., newspapers used for pets.

Hazardous Waste – That waste as defined by New York State Environmental Conservation Law.

Recyclable Materials – any materials designated as such by Allegany County, New York, provided that such materials are not hazardous and can be reasonably separated from the solid waste stream and held for material recycling or reuse value. The Village of Alfred utilizes single-stream recycling.

Rubble – waste material typically resulting from construction, demolition and renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, Sheetrock, plaster, shingles, ashes, wood, lumber and any similar material.

Solid Waste – any and all materials classified as ‘garbage’, ‘recyclable materials’, and ‘yard waste’.

User – any owner of real property located within the Village of Alfred who makes use of the Village of Alfred’s curbside solid waste (garbage) collection service or recycling collection service. Placing solid waste or recyclable materials out at the curbside of one’s property, for collection by the Village of Alfred on even one occasion each year, shall classify the property owner of said property as a user of the Village of Alfred’s solid waste collection service.

User Fee – the fee charged by the Village of Alfred to the owner of real property for use of the solid waste collection service provided by the Village of Alfred.

Yard Waste – grass and waste plants from vegetable and flower gardens, lawns and yards (no stones).

SECTION 2: WASTE MATERIALS TO BE COLLECTED

- A. The Department shall be responsible for collecting on a weekly basis only those waste materials that constitute solid waste, namely garbage, recyclable materials, brush and yard waste.
- B. The Department shall be responsible for collecting leaves in a manner and at such times as prescribed by the Superintendent.
- C. The Department shall not be responsible for collecting any waste materials that have been placed or prepared in a manner that fails to comply with the provisions of this law. In particular, the Department shall not be responsible for collecting bulk items, hazardous waste, rubble or waste materials in which recyclable materials are mixed together with other materials or in which recyclable materials have not been placed or prepared in accord with this article.
- D. The Department shall not collect hazardous wastes.

SECTION 3: SOLID WASTE COLLECTION REGULATIONS

- A. No solid waste shall be placed at or near any curb, sidewalk or street for purposes of collection by the Department other than on particular days or during the particular time periods as prescribed by the Superintendent or by this law.
- B. No person shall place any solid waste near any curb, sidewalk or street for purposes of collection by the Department unless that person complies with the following requirements:
 - a. Commencing July 1, 2015, all garbage to be collected by the Village or the Village's designated agent shall be placed in a plastic "Pay As You Throw" (PAYT) bag prescribed by the Village Board of Trustees. The Clerk-Treasurer shall maintain a separate accounting of the following:
 - i. All moneys received or due from the sale of Village of Alfred (logo) bags.
 - ii. All moneys received or due from the imposition of a user fee as described in Section 4 herein.
 - iii. All expenditures or expenses payable for garbage collection, recycling, tipping fees and any such other expenses and costs, both administrative and operational, as the Board of Trustees may determine relates to the collection and disposal of solid waste.
 - b. All recyclable items shall be placed in a separate container from garbage.
 - c. The weight of a solid waste container and contents shall not exceed fifty (50) pounds.
 - d. All brush must be in tied bundles with length not to exceed 36 inches and diameter not to exceed 24 inches.

- e. Leaves will be picked up by the Department in the fall, dates to be set by the Superintendent annually. Leaves should be loose and raked to the curb but not placed in the street.
- C. All solid waste that is to be collected by the Department shall be placed for collection at or near a curb, sidewalk or street after 3:00 p.m. on the day prior to the day designated for collection and before 7:00 a.m. on the day designated for collection.
 - D. No person shall place any solid waste at or near any curb, sidewalk or street other than the curb, sidewalk or street immediately in front of the property from which such waste material was generated.

SECTION 4: CLASSIFICATION SYSTEM

- A. Classification of property. The Village of Alfred tax rolls classify properties pursuant to the Property Type Classification and Ownership Code published by the New York State Board of Real Property Services. Properties classified under said system as Single-Family Residences (Type 210) and Religious (Type 620) shall be deemed a one-unit property for purposes of this law. Properties classified as Two-Family Residences (Type 220) shall be deemed a two-unit property for purposes of this law. Properties classified as Three-Family Residences (Type 230) shall be deemed a three-unit property for purposes of this law. For properties classified as Type 280 (multiple residences), Type 411 (apartments), Type 480 (multiple use), Type 481 (row-type downtown – detached) and Type 483 (converted residences), a determination shall be made as to the actual number of units on each parcel. Properties classified as Type 414 (hotel), Type 415 (motel) and Type 418 (inns, lodges, fraternity, sorority) shall be deemed as six-unit properties for purposes of this article. All other properties not specifically classified above, with the exception of Type 105, 116, 311, 312, 313, 314, 322, 330 and 340 properties, shall be deemed to be a two-unit property.
- B. Charges
 - 1. In addition to the revenue received for the sale of plastic bags, a user fee shall be billed to each property owner annually.
 - 2. The user fee shall be billed on a per-unit basis. The total number of units shall be determined as follows:
 - a. The number of Type 210 and Type 620 properties shall be multiplied by a multiple of one.
 - b. The number of Type 220 properties shall be multiplied by a multiple of two.
 - c. The number of Type 230 properties shall be multiplied by a multiple of three.
 - d. Properties classified as Type 280, 411, 480, 481, 482 and 483 shall be multiplied by the actual number of units on the premises.
 - e. All other classified properties, excluding Type 106, 116, 311, 312, 313, 314, 322, 330 and 340, shall be multiplied by a multiple of two.
 - f. The sum total of the above-stated multiples shall be the total number of units for purposes of calculating the user fee. Said sum shall not include those properties that are

not a user of the Village of Alfred's solid waste programs, as that term is defined in Section One above.

3. Determination of deficit.

- a. On or before August 1 of each year, the Clerk-Treasurer shall determine if the garbage collection system ended the previous fiscal year with a deficit. A deficit occurs when the total operating expenses exceed the total revenue from bag sales. In order to calculate the net deficit, any deficit from the prior billing is to be added to the current deficit or any surplus from the prior year billing is to be subtracted from the current deficit. (Deficits or surpluses may occur in the unit fee billing due to fluctuations in the number of users participating in the program.)

Determination of Deficit	
Total Net Operating Expenses Less Revenue from Sale of Bags =	Operating Deficit (if positive number)
Plus Deficit from Prior Year User Fee Billing (if any)	
OR	
Less Surplus from Prior Year User Fee Billing (if any)	
Equals NET DEFICIT	
The User Fee Per Unit shall be calculated as follows:	
NET DEFICIT /	
Total Number of Units =	User Fee Per Unit

- b. As soon as practicable after determining such fee, the Clerk-Treasurer shall notify the Board of Trustees. The Board of Trustees shall give notice thereof in the official newspaper of the Village and further notice of at least 10 days that a public hearing will be held before the Board of Trustees at its next regular meeting to consider approval of such rate.
4. Any user aggrieved by the user charge shall present his or her grievance to the Board of Trustees. Such Board shall have the power to review such grievance and to affirm or modify the user charge. If the charge is modified, the Board shall state its reasons, in writing, and shall order that a refund be paid to the grievant.
 5. In no event shall the user charge exceed \$35 per unit.
 6. Notwithstanding the foregoing, the user charge as calculated in Subsection B.3 above shall be rounded to the next higher even dollar, but shall not exceed \$35.

C. Payments of user fee.

1. A bill for each user fee shall be mailed no later than December 1 of each year. Payments of such bills shall be due 30 days after the date of such billing and shall be payable at the Village Clerk-Treasurer's Office in Village Hall. Failure to timely mail such bill or failure of any user to receive such billing shall not be an excuse for nonpayment.

2. Penalty for late payment. A penalty of \$5 per unit shall be assessed for payments made after the date due but within the same year in which the payment was initially due. In the event that payment is made in the year subsequent to the year the payment was initially due, an additional penalty of \$2 per unit shall be assessed for a total penalty of \$7 per unit.

SECTION 5: EMPTY SOLID WASTE CONTAINERS

All empty solid waste containers shall be removed from the curb, sidewalk or street where they have been placed as soon as possible after collection by the Department and, in any event, on the same day as collection. Empty solid waste containers remaining at or near the curb, sidewalk or street 24 hours after collection may be picked up and disposed of by the Department.

SECTION 6: UNCOLLECTED SOLID WASTE

Where the Department has not collected certain solid waste because said materials were not placed or prepared in accord with the provisions of this law, the person responsible for putting said waste materials at or near a curb, sidewalk or street for collection by the Department shall remove said waste material from said location as soon as possible after the Department has refused collection and, in any event, by the end of the designated collection day.

SECTION 7: NONCOMPLIANCE

- A. Whenever a person places solid waste at or near a curb, sidewalk or street for collection by the Village without complying with the provisions of this law or fails to comply with rules and regulations prescribed by the Board of Trustees, the Department may do either of the following:
 - a. Correct the error in preparation and place said solid waste in a non-public-health threatening storage area and place at the curb on the next regularly scheduled trash pickup date.
 - b. Correct the error in preparation and contact the Village hauler who shall, for an additional cost, pick up correctly prepared trash and recyclables before the next regularly scheduled pickup.
 - c. Correct the error in preparation and transport said recyclables to the county materials recovery facility and trash to the county landfill.
- B. If an owner or identifiable occupant fails to remove solid waste from the curbside by the end of the collection day, the Department shall effectuate the collection of said solid waste and shall charge said owner or identifiable occupant with a service charge as fixed by the Board of Trustees. The Department shall provide written notice of said special service charge to the identifiable occupant or property owner as soon as feasible after the Department's collection of said waste in question.

- C. Whenever solid waste material has been placed for collection by the Department or its agent after 7:00 a.m. on the day of collection, the Department or its agent may, in its own discretion, determine to respond positively or negatively to a request by the property owner of the property from which such waste was generated that the Department return to such property and collect that waste material. When the Department agrees to return to the property and collect that waste material, it shall assess a special service charge against that identifiable occupant and/or property owner as prescribed by the Board of Trustees.

- D. For any nonscheduled collection of waste material by the Village, the Village shall assess a special service charge against the responsible identifiable occupant and/or property owner. Such special collection charge shall be in accord with the provisions of this article.

SECTION 8: OWNERSHIP OF RECYCLABLE MATERIALS PLACED FOR COLLECTION

When the recyclable materials are picked up by the Department, these shall become the property of the Village of Alfred. No person who is not acting under authority of the Village or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this law; provided, however, that where the Department has refused to collect certain recyclable materials because they have not been placed or treated in accord with the provisions of this law, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this law.

SECTION 9: ILLEGAL DUMPING

The disposal of solid waste on the real property of another in a manner other than as permitted by this article shall constitute illegal dumping.

SECTION 10: ENFORCEMENT; PENALTIES FOR OFFENSES

- A. Any person violating the provisions of this article, other than Section Nine, shall be subject to the following administrative fees:
 - a. Warning for first offense, plus cost to have removed.
 - b. \$25 fee for second offense, plus removal costs.
 - c. \$50 fee for third and each subsequent offense, plus removal costs.

- B. Any person violating the provisions of Section Nine of this article shall be subject to the following fines and administrative fees:
 - a. \$250 fine for first offense, plus removal costs.
 - b. \$300 fine for second offense, plus removal costs.
 - c. \$500 fine for third and each subsequent offense, plus removal costs.

- C. The provisions of this law are severable. If any provision of this law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this law which can be given effect without the invalid provision or application of the law.
- D. All provisions of any other local law or ordinance which are inconsistent with the provisions of this law are hereby repealed.

SECTION 11: REGULATIONS

The Board of Trustees shall have authority to adopt whatever regulations are consistent with this law.

SECTION 12: PROPER CONTAINERS TO BE USED

- A. All garbage and yard waste placed at the curbside of a Village street or at any other designated location that is to be collected by the Village or by the Village's designated agent, shall be placed in a plastic Pay-As-You-Throw (PAYT) bag prescribed by the Board of Trustees. Said plastic bags may be placed in a plastic or metal container.
- B. All recyclable items shall be placed in a separate container from garbage at the curbside of a Village street or at any other designated location.
- C. All solid waste containers shall have the owner's house number, and apartment number (when applicable) labeled on them.

SECTION 13: IMPROPERLY PREPARED MATERIALS

- A. All solid waste not placed in the type of container or bag prescribed by this law or as otherwise prescribed by the Board of Trustees will not be collected by the Village or by its designated agent.
- B. Containers or bags not collected by the Village or its designated agent must be removed from the curbside by the property owner or occupant within 48 hours of said rejection by the Village or its designated agent.

SECTION 14: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State and will repeal the Rubbish Law of the Village of Alfred, Local Law Number 5 of the year 2014.