

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of SLOAN

FILED
STATE RECORDS

SEP 16 2019

DEPARTMENT OF STATE

Local Law No. 2 of the year 2019

A local law "Local Law 2019-2 Amending the Code of the Village of Sloan, Chapter 383-
(Insert Title)
Solid Waste"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Sloan as follows:

SEE ATTACHMENT A

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2019 of the (County)(City)(Town)(Village) of Sloan was duly passed by the Board of Trustees on September 10 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__ __, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/11/2019

(Seal)

A Local Law amending the Code of the Village of Sloan by deleting Chapter 383, entitled “Solid Waste”, Article I Recycling, originally adopted by L.L No.1-1992 and replacing it in its entirety with Chapter 383, entitled “Solid Waste”, Articles I through V; deleting Chapter 342, entitled Property Maintenance, Section 9 (B); and deleting Chapter 396, entitled Streets and Sidewalks, Section 18 (A, B, C and D).

Chapter 383
SOLID WASTE

ARTICLE I Administration

§ 383-1 Administration of Operation and Collection

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(HISTORY- Adopted on _____ by the Board of Trustees, Local Law No. 2-2019 Entitled “Refuse and Recycling”. Adoption of Local Law 2-2019 supersedes and replaces in full, Chapter 383 SOLID WASTE, adopted by L.L No.1-2011.)

ARTICLE I Administration

§ 383-1 The Board of Trustees of the Village of Sloan and/or their designated representative shall have the responsibility for the operation and collection of Municipal Solid Waste (MSW). The Board of Trustees of the Village of Sloan and/or their designated representative are hereby empowered to make and publish regulations implementing the Articles of this Chapter concerning such matters relating to the storage and collection of MSW, the location of MSW containers/totes/carts and all other matters relating to the storage, collection and disposal of which is deemed advisable, providing that such regulations are not contrary to the provisions of this chapter or any New York State regulations, laws or ordinances.

The Board of the Village of Sloan is hereby empowered to enact and amend, by resolution, such rules and regulations which, in its judgment, will carry out the intent of this Chapter.

ARTICLE II Definitions

§ 383-2 As used in this Article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR- A person, individual, partnership or corporation, or employer or agent thereof, authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties, as herein defined, under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BOARD- The Board of Trustees of the Village of Sloan, New York.

BULK ITEMS- Large items such as sofas, chairs, mattresses, box springs, dressers, tables, cut/rolled carpet and padding, and other items of this nature but not including large appliances such as refrigerators, stoves, washers, dryers, dishwashers etc. which are considered recyclables.

CARTS- Garbage and recycling totes.

COLLECTOR- The person, firm, agency or public body or employee or agent thereof who is engaged in the collection, transportation and disposal of MSW.

CONSTRUCTION DEBRIS- Discarded building material, concrete, stones, pavers, timbers, earth from excavation or grading, plaster, drywall or any other refuse matter resulting from the erection, repair or demolition of buildings, structures or property improvements.

EOW- Every Other Week

FACILITY- Any solid waste management/resource recovery plant or site owned by and permitted to receive MSW from within the Village of Sloan. Including, but not limited to recycling centers, transfer stations, processing systems, resource-recovery plants, sanitary landfills, plants and facilities for composting or landscaping of solid wastes, waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE- Any toxic substance material or waste which is or becomes regulated by any local or state governmental authority or the United States Government. For purposes of

this Article, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g. aerosol cans, pesticides, fertilizers etc.).

INDUSTRIAL WASTE- Waste generated by manufacturing or industrial process.

MULTIPLE RESIDENCE/MULTI-DWELLING- A building or parcel of land containing three or more dwelling units.

MUNICIPAL SOLID WASTE (MSW)- All putrescible and non-putrescible materials, such as garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and community activities.

PERSON- Any individual, firm, partnership, association, corporation, institution or other entity.

RECYCLABLE MATERIALS- Those materials specified by the Village of Sloan for separate collection in accordance with any and all recycling regulations implemented by any local or state governmental authority or the United States Government.

RECYCLING- The separation, collection, processing, recovery and sale or resale of materials which would otherwise be disposed of as rubbish.

REFUSE- Rubbish and recycling material resulting from the normal day-to-day operation of a household or business. Refuse does not include rubble, bulk items, industrial use, yard waste or any other materials not covered in this definition.

RESIDENCE- A building or parcel of land having no more than two dwelling units.

RESIDENT- Any person residing within the Village of Sloan on a temporary or permanent basis, to include both property owners and occupants of any and all dwellings.

RUBBISH- All refuse not including recyclable material.

RUBBLE- Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to, waste cement, concrete, masonry, bricks, tiles, drywall, plaster, shingles, lumber, landscape timbers, wooden pallets, doors and door frames, window and window frames and similar materials.

SOLID WASTE- Refuse, including all rubbish and recyclable materials.

SOLID WASTE MANAGEMENT- The purposeful control of storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATE- To separate the recyclable material from MSW stream at the point of waste generation.

TOTES- Municipal issued garbage and recycling receptacles. Garbage/rubbish/trash totes are available in both 65- and 95-gallon capacities. Recyclable totes are available in 65-gallon capacity.

UNIT/DWELLING UNIT- One or more rooms including kitchen designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping.

WHITE GOODS- Large appliances such as refrigerators, stoves, washers, dryers, dishwashers, portable air conditioning units, microwaves and dehumidifiers.

YARD WASTE- Organic yard and garden waste, leaves, grass clipping, brush and branches.

ARTICLE III Recycling

§ 383-3 Purpose

It is the goal of the Village of Sloan to facilitate the disposal of solid waste generated within the Village in the most economical and environmentally acceptable manner and further, to reduce the total amount of solid waste disposed of. It is the purpose of this Article to establish source separation and a recyclable collection program to reach goals of reduced landfills, while being economically responsible and considering costs of marketability of recyclables and public involvement. To assist the Village of Sloan in complying with the New York State Solid Waste Management Act of 1988 and made effective for the Village of Sloan on August 1, 1992, this program is hereby mandatory for all Village residents.

§ 383-4 Responsibilities of Residents

- A. Source Separation- Municipal solid waste which is generated or originated in the Village of Sloan must, prior to initial collection, have its recyclable materials separated. Collectors within the Village of Sloan shall refuse to collect MSW from any premise or person who has failed to source-separate the recyclable materials or who has not properly prepared the recyclable materials to the specification of the collector.
- B. All totes shall be stored in the following manner:
 - a. Lids must close completely to avoid rainwater and vermin from entering.
 - b. Totes must be stored alongside or behind your house or garage, or inside of your garage or shed. They may not be stored in the front yard as this is unsightly and detrimental to the neighborhood.
 - c. Totes shall be kept clean of any food debris to prevent rodent and insect attraction.
- C. All source-separated recyclable materials shall be placed at curbside for collection no earlier than 6:00 pm on the day prior to scheduled pickup and no later than 6:00 am on the day of pickup. Totes shall not be placed in the street where they could impede traffic and safety of pedestrians.
- D. Recycling totes shall not exceed a maximum weight of 100 lbs. for a 65-gallon when full.
- E. All totes shall be removed from the curb, sidewalk or street where they have been placed after pickup by the Collector as soon as possible but no later than 9:00 pm on the day of collection.
- F. The ownership of recyclable materials which have been placed at the curb for collection in accordance with this Article, shall be the Village of Sloan. It shall be unlawful and a violation of this Article for any person without authority from the Village to collect, pickup, remove or cause to be collected, any recyclable materials, including white goods.

- G. To maintain and reduce costs, the Village of Sloan has implemented EOW (every other week) recycling. All routes are subject to change at the discretion of the Board of Trustees of the Village of Sloan.
- H. The Village of Sloan has issued one (1) 65-gallon recycling tote (brown with green lid) to each property. Said tote is the property of the Village of Sloan. Therefore, residents may label their assigned tote in preprinted, 4" high stickers, designating their address only. If the tote is damaged or missing, it must be replaced at a cost to be determined and amended by the Board of Trustees. Replacement totes remain the property of the Village of Sloan. Replacement totes can be purchased through the Village Clerk's Office. Each tote has a unique serial number. Each resident should record the number for their information.
- I. If a resident chooses to purchase an additional 65-gallon recycling tote, they are at a cost to be determined and amended by the Board of Trustees. This additional, purchased tote is the property of the resident. Additional totes can be purchased through the Village Clerk's Office.

ARTICLE IV Rubbish

§ 383-5 Purpose

It is the goal of the Village of Sloan to manage its Municipal Solid Waste Program by providing a cost-effective and efficient system for its rubbish storage and collection. The use of a tote system enhances the quality of our community by reducing the rodent population, controlling odor and minimizing unsightly, non-uniform containers.

§ 383-6 Responsibilities of Residents

- A. All totes shall be stored in the following manner:
 - a. Lids must close completely to avoid rainwater and vermin from entering.
 - b. Totes must be stored alongside or behind your house or garage, or inside of your garage or shed. They may not be stored in the front yard as this is unsightly and detrimental to the neighborhood.
 - c. Totes shall not be stored against or near your neighboring property as this creates a nuisance.
 - d. Totes shall be kept clean of any food debris to prevent rodent and insect attraction.
 - e. Traditional aluminum or plastic garbage cans are not allowable in the Village of Sloan and will not be picked up by the Village nor its Collector.
- B. Trash totes shall be placed at curbside for collection no earlier than 6:00 pm on the day prior to scheduled pickup and no later than 6:00 am on the day of pickup. Totes shall not be placed in the street where they could impede traffic and safety of pedestrians.
- C. Trash totes shall not exceed a maximum weight of 150 lbs. for a 95-gallon and 100 lbs for a 65-gallon when full.

- D. All totes shall be removed from the curb, sidewalk or street where they have been placed after pickup by the Collector as soon as possible but no later than 9:00pm on the day of collection.
- E. Every owner or occupant of any residential, commercial or industrial property located in the Village of Sloan shall only put out for collection that MSW generated from the use or occupancy of his/her property.
- F. The ownership of rubbish which has been placed at the curb for collection in accordance with this Article, shall be the Village of Sloan. It shall be unlawful and a violation of this Article for any person without authority from the Village to collect, pickup, remove or cause to be collected, any materials, including white goods.
- G. The Village of Sloan has issued one (1) 95-gallon or one (1) 65-gallon trash tote (brown with brown lid) to each property. Said tote is the property of the Village of Sloan. Therefore, residents may label their assigned tote in preprinted, 4" high stickers, designating their address only. If the tote is damaged or missing, it must be replaced at a cost to be determined and amended by the Board of Trustees. Replacement totes remain the property of the Village of Sloan. Replacement totes can be purchased through the Village Clerk's Office. Each tote has a unique serial number and residents shall record the number for their information.

§ 383-6 Fees

- A. Additional trash totes can be purchased for an annual fee of \$200.00 for a 95-gallon tote or an annual fee of \$140.00 for a 65-gallon tote. The annual fee is payable by July 1 of each year. Partial years will be prorated by month according to the Village of Sloan's fiscal year of June 1 through May 31. Trash totes purchased prior to enactment of this Article are not subject to this fee.
- B. Multiple Dwellings shall be levied an annual fee of \$200.00 for each unit over two units. The annual fee is payable by July 1 of each year. Partial years will be prorated by month according to the Village of Sloan's fiscal year of June 1 through May 31. Fees will be levied upon adoption of this Article and Local Law 2-2019 entitled "Refuse and Recycling". Any unit paying this annual fee will be afforded an additional trash tote if one has not already been purchased by the current or previous owner or occupant.
- C. Any fees not paid by October 31 of the calendar year in which they were assessed, shall become a lien on the real property, and will be levied onto the following years Village Property Tax billing with applicable late penalties, by resolution of the Board of Trustees of the Village of Sloan.

§ 383-7 Unacceptable Refuse

The following refuse shall not be considered acceptable for collection by the Village of Sloan and/or its contracted Collector:

- A. Materials resulting from the repair, construction, alteration or excavation of buildings or structures, streets or sidewalks, such as plaster, mortar, concrete, bricks, lath or roofing materials or any such debris designated as "Construction Debris".

- B. Dangerous materials or substances such as poisons, acid-caustics, infected materials, explosives, ashes, dioxin and radioactive material.
- C. Household hazardous waste materials including, but not limited to motor oil and other engine oils, gasoline, kerosene, anti-freeze, car batteries, non-latex paint, solvents and tires.
- D. Solid waste resulting from industrial processes.
- E. Electronic waste including, but not limited to televisions and computer components.
- F. Materials which have not been prepared in accordance with the provisions of this Chapter.
- G. Additional bags of trash, yard waste or grass clippings, be they in plastic or paper, shall not be placed on the ground for collection. All trash shall be located in the trash tote, with lid securely closed, to prevent rodent and insect attraction.

§ 383-8 Special Refuse

- A. Bulk items may be placed at curbside for collection in quantity and frequency as designated and amended by the Board of the Village of Sloan.
- B. All carpet and padding must be rolled and securely bound in lengths not to exceed four (4) feet and weight not to exceed 40 lbs. per bundle. Carpet and padding rolls, if not placed inside your trash tote, are considered bulk items and, therefore, cannot exceed the quantity and frequency as designated and amended by the Board of the Village of Sloan.
- C. Cuttings from shrubs, hedges and trees which are less than four (4) inches in diameter must be bundled and tied securely in lengths not to exceed four (4) feet and weight not to exceed 40lbs per bundle. The Village of Sloan Department of Public Works will collect these items on the regularly scheduled trash day.
- D. Leaves shall be raked to the grass area located between the sidewalk and street for retrieval by the Village of Sloan Department of Public Works during the autumn months only. Non-seasonal pickup of leaves and yard waste must be bagged and placed inside of your trash tote for retrieval by the contracted Collector.
- E. White goods are considered recyclable and may be placed at curbside for retrieval by the Village of Sloan Department of Public Works on the regularly scheduled trash day.

§ 383-9 Private Dumpsters

- A. All dumpsters necessary for the completion of a construction project must be located on the resident's property if possible. Dumpsters shall not block or impede any sidewalk, right of way or street. All dumpsters must be removed within twenty-four hours of construction completion.
- B. Dumpsters that are physically unable to be located on a resident's property can, by written permission of the Mayor of the Village of Sloan, be located on the public street or right of way. Said dumpster must be clearly marked by both reflective tape and cones for vehicular and pedestrian safety. All dumpsters must be removed within twenty-four hours of construction completion.

- C. Dumpsters of a temporary or portable nature, such as plastic or vinyl “bagsters” must be located on the resident’s property. They shall be removed within fourteen (14) days of placement or when full, whichever occurs first.

ARTICLE V Enforcement and Penalties

§ 383-10 Remedies for Non-Compliance; Service Charge

Whenever a person places MSW at or near a curb, sidewalk or street for collection without complying with all the provisions of this Chapter, regarding placement and preparation of collectible materials, the Board of the Village of Sloan may do either of the following:

- A. The Board may choose not to collect the MSW. In such case, the Board shall notify the property owner where such waste was generated as to why such material was not collected. Such notice shall be either verbal or written, as the Board determines is appropriate, and shall be provided within a reasonable time period after the collection of material has been rejected; or
- B. The Board may cause collection of the MSW to be made, notwithstanding the fact that it does not comply with the provisions of this Chapter.
 - 1. In such cases, the Board shall assess a special charge against the property owner from which the MSW was generated. Such special charges shall be set by a resolution of the Board of Trustees.
 - 2. Special service charges may be accumulated and shall be billed by the Village of Sloan. Any person subject to such charges may make a written request for a hearing within fifteen (15) days of the date of billing. All hearings will be held on a date, time and place determined by the Board. The hearing shall be informal and held by a designee of the Board of Trustees. The decision of the hearing is final. Any service charges not paid within thirty (30) days after hearing decision, shall become a lien on the real property, and will be levied onto the following years Village Property Tax billing with applicable late penalties, by resolution of the Board of Trustees of the Village of Sloan.

§ 383-11 Severability

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

§ 383-12 Enforcement

It shall be the duty of the Village of Sloan Code Enforcement Officer and/or any other duly authorized official to administer and enforce the provisions of this Chapter.

§ 383-13 Effective Date

This Chapter shall take effect on _____