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Garbage Law

SECTION 1. DEFINITIONS

As used herein, the following terms shall have the meanings indicated:

BRUSH - Tree branches not exceeding two (2) inches in diameter and no more than four (4) feet in length and twigs and shrub and hedge clippings.

BULK ITEMS - Large items and materials, including furniture, house furnishings and large appliances, such as refrigerators, stoves, washing machines, and clothes dryers.

CONTAINER - A receptacle constructed of such material and in such a manner as to hold solid waste and trash and other such items without breaking or collapsing. "Containers" shall have covers so that the contents therein are not exposed to the weather, animals and vermin. All bags must be made of clear material to allow a visual examination of its contents.

GARBAGE - The rubbish, food wastes and collectible wastes resulting from the normal day to day operation of a household. Garbage does not include rubble, bulk items, industrial waste or any other materials not covered under this definition.

INDUSTRIAL WASTE - Waste generated by any industrial process or operation.

RUBBISH - Food wastes, including but not limited to table cleanings, fruit, vegetables and animal parings and scraps, decaying or spoiled vegetables, animal and fruit matter, any paper, plastic, cardboard, or other material used to wrap, cover, or contain food, and preparation of food, metal and miscellaneous waste material, including rags, rugs, health aids and materials, sweepings, rubber, leather, cloth, magazines, paper, waste material from normal maintenance and repair activities, dirt, filth, bottles, jugs, and jars, and any other waste material. "Rubbish" does not include bulk items, rubble, ashes, leaves, yard and garden waste, manure, of any description, or any other material not covered under this definition.

RUBBLE - Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, sheetrock, plaster, shingles, lumber, railroad ties, wooden pallets, doors, windows, and any similar material.

VILLAGE - The Village of Fonda, New York

YARD WASTE - Grass, leaves and waste plant and dirt materials from vegetable and flower garden, lawns and yards and brush.

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SECTION 2. SCHEDULING OF COLLECTION

Collection areas, together with the date of collection, shall be established by regulation of the Village. In the event of an emergency situation, the Village may suspend, restrict or otherwise modify the provisions of this Local Law.

SECTION 3. RESIDENTIAL GARBAGE COLLECTION.

Property owners and their agents, lessees, tenants or other occupants residing in residential dwellings who wish to have their garbage disposed of by the Village shall:

A. Place garbage from their dwelling unit in appropriate containers as specified at the street curb if one exists, without obstruction to the free and proper use by the public of the sidewalks adjacent thereto; or adjacent to but not on the street pavement if there is no curb.

B. Containers for garbage are to be provided by the owner or occupants, and must be properly covered and not leak. All garbage bags must be free from liquid and not leak. If the Village shall contract with private waste disposal company the container provided by said company must be used.

C. Containers may not be placed on curbside for pickup earlier than 5:00 P.M. of the day before pickup and must be removed by 8:00 P.M. on the day of pickup.

SECTION 4. COMMERCIAL GARBAGE COLLECTION.

The Village shall pickup reasonable quantities of garbage or rubbish from each commercial establishment per week. The Village shall not be responsible for the pickup and disposal of any bulk items, brush, rubble, yard waste, industrial waste or garbage and rubbish in excess of a reasonable quantity per collection day from any commercial establishment. The Village shall have the right to set by resolution what is a reasonable quantity and may limit a commercial establishment to set amount of garbage.

SECTION 5. WASTE MATERIAL TO BE COLLECTED

A. The Village shall be responsible for collecting on a regular basis only those waste materials that constitute garbage and rubbish.

B. The Village will pick up yard waste, including leaves, grass and garden waste. All yard waste must be placed in clear plastic bags and placed along the curb. The Village may set by Resolution limits as to amounts of yard waste to be collected.

C. A residential user desiring pickup for bulk item or rubble shall make arrangements for said pickup with the Village Clerk or such other person as the Village may designate. The fee for such pickup will be determined by resolution of the Village which may be amended from time to time.

SECTION 6. PREPARATION OF MATERIALS TO BE COLLECT.

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A. No person shall place any waste materials at or near any curb, sidewalk, alley, or street for purposes of collection by the Village other than the following:

1. Garbage and Rubbish
2. On particular days or during particular time periods, any other waste material that the Board has announced that the Village will collect at those times.

B. No person shall place any garbage at or near the curb, sidewalk, or street for purposes of collection by the Village unless that person complies with the following requirements.

1. Each person must provide and utilize clear disposable plastic bags for disposal of garbage. Any such bag shall be sufficiently strong to contain the materials enclosed. When filled each such bag shall be securely tied and weigh nor more than thirty (30) pounds and be placed in a proper container.

2. Each person may utilize separate containers for disposal of bagged garbage. Any such container shall be made of metal or plastic, shall have tight fitting covers, shall have handles on the tops and sides and shall be shaped so that materials flow freely when the container is dumped. No such container shall exceed thirty-five (35) gallons in capacity. If the Village shall contract with a private waste disposal company the bags must be placed in the container provided by said company.

3. Each bag of garbage placed for collection shall be free of any materials not covered under the definitions of "garbage" and must comply with all requirements prescribed by the Montgomery-Schoharie-Otsego Solid Waste Authority.

C. When the Village has announced that waste materials other than garbage will be collected on particular days or during particular periods, any person placing such waste materials at or near the curb, sidewalk or street for purposes of collection by the Village shall comply with the following.

1. The waste material shall be of the type announced by the Village, and placed for collection at the time specified by the Village.

2. The waste material shall be collected, bound, contained, placed or otherwise treated in the manner specified by the Village.

D. No person shall place any waste material 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.

E. The placement of any waste material at or near any curb, sidewalk or street, other than in compliance with this section, shall constitute a violation of this Local Law.

SECTION 7. PROHIBITED MATERIALS.

The following items are prohibited from being placed for collection by the Village on normal collection dates.

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- A. Construction materials, including but not limited to bulk roof shingles, dimensional framing lumber, bulk or sheets of plywood, paneling, plasterboard, sheetrock, etc.
- B. Hot ashes, dirt, earth, stone, blacktop, concrete, bricks, and concrete block.
- C. Industrial waste, including but not limited to processed scrap materials, certain hazardous and dangerous materials, such as acids, paints, fluorescent tubes, toxic materials and highly volatile or explosive matter, either in liquid or gaseous, or solid form.
- D. Bulk automotive parts, including but not limited to transmissions, engines, rear ends, wheels, tires, mufflers, and other bulk items normally produced by vehicular repair operations.
- E. Dead animals, animal waste and animal droppings.
- F. Surgical dressings, syringes and disposable hospital-type items.
- G. New and used motor oils or other petroleum products.
- H. Hazardous waste classified pursuant to regulations issued by the New York State Department of Environmental Conservation.
- I. Domestic or household bulky items, such as washing machines, refrigerators, stoves, household appliances, and other household furnishings, such as chairs, sofas, beds, etc. shall not be placed at the curb for collection unless arrangements are made as set forth in Section 5 (b) of this Local Law.
- J. It shall be a violation of this chapter for any individual, association, partnership or corporation to leave outside of any building or dwelling, in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator, freezer, dishwasher, or any other item of any kind which has an airtight door, with or without a lock, without first removing said door.

SECTION 8. NONCOMPLIANCE: NOTICE.

A. Whenever a person places garbage or other waste material at or near a curb, sidewalk, alley or street for collection by the Village without complying with all the provisions of this Article, the Village may choose not to collect the garbage or other waste material. In such a case the Village shall affix a notice to the waste material which gives the reason why the material was not collected. The Village may also notify the property owner of the property from which such uncollected waste material was generated why the Village did not collect that material. That notice shall be either verbal or written, as the Village determines in appropriate, and shall be provided as soon as feasible after the Village refuses to collect that material.

SECTION 9. UNCOLLECTED REFUSE.

Where the Village has not collected certain refuse and/or waste material because those materials were not considered collectible garbage as outlined in this Article, or placed or prepared in accordance with the provisions of this Article, the person who placed such materials for collection or the owner of the real property adjoining the curb, sidewalk, street or alley where such waste

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materials were placed shall remove those wastes from that location as soon as possible after the Village has refused collection, any, in any event, by 8:00 P.M. of the designated collection day shall constitute a violation of this Article, and subjects the violator to the enforcement provisions contained in Section 13 of this Article.

SECTION 10. FEES

The Village of Fonda may, by resolution, impose fees for the collection of any refuse, rubble, bulk items, brush or industrial waste. After such fees are imposed, the manner of implementation and collection shall be by regulation of the Village not inconsistent with the terms of the resolution imposing such fees.

SECTION 11. PRIVATE WASTE HAULERS

Nothing in this Article shall be deemed to prevent any person from entering into a contractual agreement with a private waste hauler for the removal or garbage and other waste materials generated by that person or at property owned by that person.

SECTION 12. VILLAGE HELD HARMLESS

Property owners and their agents, lessees, tenants or other occupants who place materials not in accordance with this chapter shall hold harmless and indemnify form any and all losses the Village of Fonda, its employees and agents for all costs, direct and indirect, which are attributable, in the sole discretion of the Village, for materials collected which were placed for collection in violation of the terms of this chapter.

SECTION 13. PENALTIES FOR OFFENSES

A. Any person who commits a violation of this Article shall be punished as follows: by a fine of not exceeding Two Hundred Fifty (\$250.00) Dollars or by imprisonment for a term not exceeding fifteen (15) days or both such fine and imprisonment. Enforcement of this Local Law shall be made by any law enforcement officer or tush person as may be appointed by the Village Board of Trustees.

B. Each commission of a single act shall constitute a separate violation of this Article, and each day of such violation shall constitute a separate offense, which may be punished and prosecuted as such.

SECTION 14. EFFECTIVE DATE.

This Local Law shall become effective upon filing with the Secretary of State, State of New York.