

Adopted 6/16/2014

**LOCAL LAW 12 OF 2014**

**AMENDING THE SOLID WASTE CHAPTER  
OF THE CODE OF THE VILLAGE OF IRVINGTON**

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

Section 1: Chapter 178, Solid Waste, of the Code of the Village of Irvington is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

**Chapter 178**

**SOLID WASTE**

**ARTICLE I**

**~~Garbage and Rubbish~~**

**§ 178-1. Definitions.**

~~ASHES~~ — ~~The residue from coal or other fuel.~~

~~CURBSIDE~~ – A location on one’s own property ~~which~~ *that* is adjacent to the street but not on the street.

~~DEPARTMENT OF PUBLIC WORKS OR DEPARTMENT~~ – *Department of Public Works of the Village of Irvington.*

~~GARBAGE~~ – ~~Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.~~ *Refuse or other nonhazardous waste materials common to ordinary household, institutional or business use, but not including recyclables or organic yard waste, and not including the following: cell phones; fluorescent light bulbs; loose ashes from fireplaces, barbecues or wood burning stoves; tree trunks, stumps, or limbs in excess of four feet in length or weighing more than 50 pounds; construction and home renovation debris; highly combustible materials; cartridges, shells, and ammunition; explosives; toxic materials; propane gas tanks; trade waste; cleaning and dyeing establishment waste; commercial meat waste; and auto parts, including batteries. Notwithstanding the above, diseased or invasive plants may be disposed of as garbage.*

~~LITTER~~ — ~~Garbage, refuse or rubbish, as may be defined herein, and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.~~

*MULTIFAMILY DWELLING – A building containing more than two dwelling units.*

~~PUTRESCIBLE – Rapidly decomposable by microorganisms, which may give rise to foul-smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.~~

*RECYCLABLES – Materials defined as such by the Westchester County Source Separation Law.*

~~REFUSE – Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles; and automobiles not having a current valid New York State motor vehicle inspection certificate, except currently registered out of state vehicles. "Refuse" shall not include earth and wastes from building operations, nor shall it include solid or chemical wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings, nor shall it include recyclables as defined by the Westchester County Source Separation Law.~~

~~RUBBISH – Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as but not limited to yard clippings, leaves, metals, wood, glass, paper, wrapping, cardboard, cigarettes, tin cans, bedding, rags, boxes, crockery and similar materials. Noncombustible rubbish does not include waste, waste building material or stones, nor does it include recyclables as defined by the Westchester County Source Separation Law.~~

*SANITATION AND RECYCLING RULES AND REGULATIONS – The list of rules and regulations promulgated by the Department of Public Works and bearing that title.*

*VILLAGE - Village of Irvington.*

*YARD WASTE – Garden debris, flowers, cut grass, sweepings, leaves, rakings, clippings, small branches, such as annual growth from hedges, bushes and shrubbery.*

**§ 178-2. Collection.**

A. Garbage, refuse, rubbish and ashes *recyclables and yard waste* will be collected by the ~~Sanitation~~ *Department of Public Works* at such regularly scheduled pickup times and hours as may be provided from time to time by the ~~Board of Trustees~~ *Department*, provided that such materials are disposed of in compliance with this chapter and the *Sanitation and Recycling Rules and Regulations promulgated by the Department of Public Works*.

~~It shall be the duty of the occupants of premises containing one or two families and the duty of all owners of premises housing more than two families to make such garbage, ashes, rubbish and rubbish available at ground level in one easily accessible location within 25 feet of the street line of the premises, within the Village, at such times for removal, as hereinafter provided.~~

B. The Department shall not be required to remove more than three containers per family *or commercial establishment* at any one regularly scheduled pickup time from any premises nor remove at such time any single object or container weighing more than 75 pounds.

**§ 178-3. Containers for multifamily dwellings.**

A. ~~All garbage, ashes, rubbish and refuse shall be placed in proper nonleaking containers, furnished with handles and covers, which covers shall be securely placed and kept on each container. No container shall contain more than four cubic feet, nor shall weigh, when filled, more than 100 pounds. No container shall have a capacity greater than 32 gallons or when filled shall weigh more than 75 pounds. The Department shall not be required to remove more than three containers per family at any one regularly scheduled pickup time from any premises nor remove at such time any single object or container weighing more than 75 pounds.~~

A. Containers and/or dumpsters used by multifamily dwellings ~~of more than four units which are within 200 feet of any residential zone~~, shall be located in enclosures ~~which~~ *that* shall screen the containers and/or

dumpsters from view. Such enclosures:

- (1) Shall be constructed of stockade fence material with hinged gates and with latches to hold the gates closed. Such gates shall remain closed when not in use.
- (2) May be constructed of other material with the approval of the Village of Irvington Architectural Review Board.
- (3) Shall have a height of the greater of five feet or 12 inches higher than the containers ~~which~~ *that* they enclose.
- (4) Shall be maintained in good repair always.

B. Prior to construction of any enclosure, a permit must be obtained from the *Irvington* Building Department. If the Department of Public Works provides collection services for the building, the Building Department shall not issue a permit without obtaining the approval of the Department of Public Works.

C. The owner of any building which, prior to the effective date of this article, has an enclosure to house all the containers ~~which~~ *that* are required to be enclosed hereunder shall not be required to erect a new enclosure even if the existing enclosure does not meet all of the specific requirements of this ~~article~~ *chapter*, provided that the existing enclosure does screen the containers from view. If an existing enclosure that meets the specific requirements of this ~~article~~ *chapter* is repaired or replaced, it must be done so in accordance with the new standard stated in this ~~chapter~~ *article*.

~~E. Construction of enclosures required hereunder must be completed by November 1, 2000.~~

**§ 178-4. ~~Removal of Nonconforming waste garbage; charge.~~**

~~Garbage, ashes, rubbish or other refuse not conforming to the regulations hereinbefore set forth shall be removed either by those engaged for such purpose by the occupant of the premises at his own expense or by the Department after written request made by the owner and after agreement with the Superintendent of Public Works as to the charge to be made for such service in conformity with instructions in each particular case. No such nonconforming garbage, ashes,~~

~~rubbish or other refuse to be picked up by the Sanitation Department shall be placed upon the curblin for collection at a time prior to the time designated by the Department. The charge to be made by the Village for removal of such nonconforming materials shall be uniformly applied either by units of weight, bulk or otherwise and shall include all expenses incurred by the Village in connection with the particular collection as designated by the Board of Trustees.~~

*The Department of Public Works will not pick up any waste materials not permitted under, or not disposed of in accordance with, the Sanitation and Recycling Rules and Regulations*

**~~§ 178-5. Prohibited materials.~~**

- ~~A. No gasoline, benzine, kerosene, turpentine, paint or similar explosive or highly volatile liquids nor any cartridges, shells, ammunition, explosives, etc., shall be placed in containers for collection.~~
- ~~B. Rubbish from building construction, alteration or repairs from contract operations on premises will not be collected. Such rubbish shall be removed at the expense of the owner or contractor.~~

**§ 178-5. Putting containers out and removing empty containers.**

- A. *All containers containing garbage, recyclables, or yard waste must be placed curbside. This section shall not apply to dumpsters and containers for multifamily buildings.*
- B. *No Containers containing garbage, recyclables, or yard waste ~~refuse,~~ rubbish or ashes shall be put out for collection by the Sanitation Department *before 7:00 a.m. on the day of regularly scheduled pickup, but not earlier than 6:00 p.m. on the day before regularly scheduled pickup.**
- C. All containers, after being emptied, shall be removed from the curblin before sundown on the day of collection.

**~~§ 178-6. Location of leaves Yard waste.~~**

- A. In no case can ~~leaves yard waste~~ be placed in a public or private road, near

trees, signs, fire hydrants, fences or any other public or privately owned obstruction.

- B. *Yard waste, including leaves, may not be burned in the Village.*
- C. *The location of yard waste shall create a rebuttable presumption that the landowner, lessee or management agent of the premises most closely abutting the yard waste placed, directed, suffered or permitted the waste to be placed in that location.*

**§ 178-7. Violation of Sanitation and Recycling Rules and Regulations.**

*Any failure to comply with the Sanitation and Recycling Rules and Regulations promulgated by the Irvington Department of Public Works shall be a violation of this chapter and may be enforced as provided in this chapter.*

**§ 178-8. Trash receptacles on public property.**

*Wire baskets and trash receptacles placed on public property by the Department of Public Works are intended as receptacles for the deposit of small items of garbage or recyclables by pedestrians. These receptacles shall not be used for the disposal of refuse generated by households, businesses or institutions.*

**§ 178-9. Private carters; transfer from one vehicle to another.**

*Private carters and contractors shall not transfer or remove garbage, recycling, yard waste or any other waste material from one vehicle to another upon any Village street or public place.*

**§ 178-10. Unauthorized dumps; accumulation or scattering of rubbish.**

It shall be unlawful for any person, firm or corporation within the Village to maintain any dump or permit the dumping of garbage, boxes, cartons, automobile parts, except as may be provided in the Zoning Ordinance, or permit the accumulation or scattering of any kind of ~~garbage~~ ~~rubbish~~, debris or waste material of any sort, on or about any lawn, vacant lot, alley, backyard or in any building, structure, culvert or stream in the Village of Irvington or to throw or cause to be thrown or deposited any such junk, ~~refuse or~~ garbage, ~~debris or waste material of any sort~~ at any place in the Village.

**§ 178-11. Compostable waste.**

*Nothing in this chapter shall be construed as preventing any person from utilizing self-generated vegetative yard waste and self-generated vegetative household waste for compost, mulch or other agricultural, horticultural, gardening or landscaping purposes. Any such waste shall be composted or used in a manner not to endanger public health, safety and welfare.*

**§ 178-12. Enforcement; penalties for offenses.**

- A. The provisions of this chapter shall be enforced by the Superintendent of Public Works or *his/her* designee.
- B. Any person, firm or corporation violating any provisions of this ~~article~~ *chapter* shall be liable to a fine of up to \$250 ~~500~~ for each offense, *plus any costs the Village may incur in remedying an unsafe situation.*—~~and shall immediately clean or remove or cause to be cleaned or removed such leaves at the person's own expense. If said person does not so clean or remove such leaves, then the Village will so clean or remove said leaves at the person's expense.~~

ARTICLE II  
**Recycling of Newspapers**

**~~§ 178-9. Separation required.~~**

~~Clean and uncontaminated newspapers shall be kept separate from and not mixed with regular refuse which is collected by the Department of Public Works.~~

**~~§ 178-10 Recycling program established.~~**

~~There is hereby established a program for separate collection of used and/or old newspapers from the residences of the Village of Irvington for resale by the Village for recycling purposes. Such collections shall be made periodically under the supervision of the Superintendent of Public Works.~~

**~~§ 178-11 Promulgation of rules and regulations.~~**

~~Said administrator is hereby authorized and directed to establish and promulgate regulations as to the manner, days and times of such collections and the bundling, handling, location and time of placement of all materials for collection.~~

**~~§ 178-12 Materials to become property of Village.~~**

~~From the time of placement at the curb by any resident of used and/or old newspapers for collection by the Village of Irvington pursuant to the program established hereby and the rules and regulations issued hereunder, such materials shall become and be the property of the Village of Irvington and it shall be a violation of this article for any person other than authorized personnel of the Department of Public Works Services or the resident to collect, pick up or cause to be collected or picked up, such materials. Each such collection in violation hereof from one or more residences during said period shall constitute a separate and distinct offense.~~

**~~§ 178-13 Penalties for offenses.~~**

~~Any person, firm or corporation who violates or neglects to comply with any provision of this article or any regulation promulgated pursuant thereto, shall, upon conviction thereof be punishable by a fine not to exceed \$200, except that the maximum fine for failure to comply with § 178-8 hereof shall not exceed \$5 for the first offense or \$25 for any succeeding offense. No enforcement of § 178-8 of this article shall be made until two months from the effective date hereof.~~

**~~§ 178-14 Donation or sale.~~**

~~Any resident may donate or sell used newspapers to any person, partnership or corporation whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said used newspapers from the curbside in the Village of Irvington.~~

**~~§ 178-15 Use for wrapping garbage.~~**

~~Anything herein to the contrary notwithstanding, any person may wrap solid waste in used newspapers and discard the same with regular solid waste.~~

ARTICLE III  
**Leaf Collection**



~~§ 178-16. Leaf collection.~~

~~Leaves will be collected by the Department of Public Works during times as set forth by the Board of Trustees. Collection shall occur when the occupants or the owners and occupants of any premises makes leaves accessible for pickup in accordance with rules and regulations promulgated by the Board of Trustees.~~

~~§ 178-17 Location of leaves.~~

~~Leaves must be placed curbside in biodegradable paper bags or loose in piles adjacent to one's own property. In no case can leaves be placed in a public or private road, near trees, signs, fire hydrants, fences or any other public or privately owned obstruction.~~

~~§ 178-18 Enforcement.~~

~~The provisions of this article shall be enforced by the Superintendent of Public Works or designee.~~

~~§ 178-19 Penalties for offenses.~~

~~Any person, firm or corporation violating any of the provisions of this article shall be liable to a fine of up to \$250 for each offense and shall immediately clean or remove or cause to be cleaned or removed such leaves at the person's own expense. If said person does not so clean or remove such leaves, then the Village will so clean or remove said leaves at the person's expense.~~

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect upon filing with the Secretary of State.