

(Please use this form for filing your local law with the Secretary of State)

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

County
City of Smithville
Town
Village
Local Law No. 1 in the year 1977.

A local law “REFUSE DISPOSAL LAW”
(Insert title)

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

of the County
City Of Smithville, New York as follows:
Town
Village

ARTICLE 1
GENERAL PROVISIONS

1. Title. This local law shall be known as “Refuse Disposal Law” of the Town of Smithville.
2. Declaration Of Purpose. This local law is adopted for the purpose of promoting the health, safety, and general welfare of the people of the Town of Smithville, including the protection and preservation of property of the town and its inhabitants in all matters related thereto by controlling the storage, collection, and disposal of refuse within the Town of Smithville.
3. Definitions
 - a. Garbage: Shall mean all decayable wastes, except sewage and body wastes, including all vegetable and animal offal and carcasses of dead animals, and shall include all such substances accumulated on or removed from all public and private establishments and properties including residences.
 - b. Rubbish: Shall mean all general, dry materials produced routinely by household, commercial or industrial establishments, such as paper, cans, bottles, and other containers and ashes, and any other similar materials.
 - c. Refuse: Shall include all rubbish, garbage and trash, and any other similar materials.
 - d. Refuse Collector: Shall include any person, firm, corporation, or other legal entity carrying on the business of receiving, collecting, transporting, or disposing of garbage, rubbish, trash or other wastes, for hire and/or salvage within the Town of Smithville.
 - e. Trash: Shall include all brushes, branches, Christmas trees, law rakings, and similar waste materials, bulky objects such as discarded household appliances, or equipment or furniture, building demolition and construction wastes.
 - f. Person: Shall mean any individual, firm, partnership, company, corporation, association, society, or group.

ARTICLE 2

STORAGE AND TRANSPORTATION OF REFUSE

4. Receptacles required. Every owner, lessee, or occupant of any building, premises, or place of business within the Town of Smithville shall provide or cause to be provided at all times suitable and sufficient receptacles for receiving and containing garbage, rubbish, or refuse that may be accumulated or be used upon said premises.
5. Accumulation and burning prohibited:
 - a. The owner or occupant of the real property shall be responsible for the regular collection and/or disposal of all refuse which may accumulate on the property owned or occupied by him.
 - b. No person shall accumulate or permit the accumulation of refuse on any premises owned by him within the Town of Smithville, except for the purpose of collection, which shall normally occur at intervals not less frequent than every seven (7) days.
 - c. Nothing herein contained shall be construed to prohibit the maintenance of compost or mulch piles provided that: no garbage be deposited in such piles, and further provided that such compost and mulch piles do not develop obnoxious odors, attract rodents, or otherwise create a hazard to the health or enjoyment of neighboring property owners.
6. Deposit on public or private property: No person shall throw, deposit, burn, or cause to be thrown, deposited, or burned, any refuse or leaves in or upon any public highway, street, or place, including drainage ditches, or any other property not owned by said person within the Town of Smithville.
7. Transportation of refuse on public or highways: No person shall transport in any unenclosed vehicle any trash, rubbish, or refuse unless same are placed in securely covered containers.

ARTICLE 3

LICENSING OF REFUSE COLLECTORS

8. License required for collecting: No person shall engage in the business of receiving, collecting, transporting, or disposing of garbage, rubbish, trash, or other wastes for hire within the Town of Smithville without first obtaining a license as may from time to time be fixed by the Town Board.
9. Applications: Applications shall be upon forms supplied by the Town Clerk. At the time of making such application, the applicant must furnish to the Town Clerk a schedule of intended pick-up days on the various highways, streets, and roads within the Town of Smithville, the schedule of rates and charges to be paid by the respective customers, together with a list of vehicles to be used by the applicant, and the license numbers thereof.
10. Conditions for licensing: Every license issued by the Town Clerk, pursuant to this article, shall be subject to the following conditions and to such other reasonable conditions as may be imposed by the Town Board from time to time:
 - A. Vehicles used by licensed refuse collectors in the collection and transportation of garbage or rubbish, or any other kind of waste within the Town of Smithville shall be enclosed, excepting vehicles used for collection of trash, capable of hauling without loss, leakage, dripping, blowing, or otherwise polluting the air, highways, or other property.
 - B. The vehicles used by collectors, and the routes of collection, shall be subject to inspection and reasonable visitation by the Town Board and its agents.
 - C. The licensee shall be required to display a non-transferable sticker or plate on each truck used in the operation showing payment of the license fee. In the case of an emergency or breakdown of a licensee's truck, the Town Clerk may authorize any license holder to use an additional truck to replace the one broken down, for a period not to exceed 10 days.

- D. All licenses issued hereunder shall be valid for a period of twelve (12) months, expiring December thirty-one of each calendar year after the date of issuance. Each licensee shall pay such annual license fee on January one of each year. In the event equipment is being used subsequent to April first of each year, three-fourths (3/4) of the initial fee shall be payable; and in the event that the equipment is being used subsequent to July first of each year, the licensee shall pay one-half (1/2) of the initial license fee.
- E. Violations of any of the foregoing regulations, or any other provisions of this law, shall be cause for revocation of the license of the person to whom the license has been issued. The Town Board shall also have the power to revoke any such license for other cause shown. The Town Board, notwithstanding anything contrary herein contained, shall have the power to revoke any license heretofore issued for cause shown, after a hearing before said board upon five (5) days written notice specifying the alleged violation to the license holder, given by certified mail and directed to his principal office at the address filed with the Town Clerk with the licensee's application.
- F. No collector shall cease or discontinue business in the Town of Smithville unless thirty (30) days prior notice has been given to the Town Board, together with proof of publication in the Chenango American, and of said notice to all customers serviced within the said Town.

This paragraph shall not be construed to include the sale or lease of such garbage collection business, a collection route or any part thereof, provided however, in the event of such sale or lease, the transferor shall notify the Town Clerk, by certified mail, within five (5) days after such transfer, at which time the transferee shall make an application and comply with the requirements herein contained within twenty (20) days after such transfer, and upon such failure to do so, the license may be immediately revoked by the Town Clerk as herein provided.

- 11. License refusals: A license may be refused if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Town Clerk renders the applicant an unfit or undesirable person, or if the applicant shall fail to meet and/or demonstrate the ability to meet the requirements of this local law to the satisfaction of the Town Board. Any applicant who has been refused a license by the Town Clerk may appeal to the Town Board and from such refusal, license may be granted or refused by the Town Board. In determining the applicant's guilt of a misdemeanor or felony, the same rules apply in cases of corporations where an officer has been convicted of a misdemeanor or felony.
- 12. Change in rates: The refuse collector must give thirty (30) days prior written notice to the Town Board, any change in rates, specifying the amounts thereof, before the same becomes applicable.
- 13. Littering: The refuse collector shall not permit refuse to fall or collect upon the highway, roadway, street, or ground from which they are collecting, or over from which they are traveling, nor shall they permit refuse to set out or to fall from any vehicle, or in any way become distributed upon or along private property, or on the public highway, roadways, or streets or thoroughfares.

ARTICLE 4

ENFORCEMENT

- 14. Town Board to enforce law: It shall be the responsibility of the Town Board or its duly authorized agents to enforce the provisions of this law.

15. Penalties: Any person who violates this law shall be guilty of an offense and subject to a fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than fifteen (15) days, or both.

ARTICLE 5

VALIDITY

16. Separability: If any section, paragraph, subdivision, or provision of this local law shall be invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision adjudged invalid and the remainder of this law shall remain valid and in full effective force.
17. Effective date: This local law shall take effect upon the filing thereof in the Office of the Secretary of State, State of New York.