Introductory Local Law 6 of 2021

A LOCAL LAW TO REGULATE THE COLLECTION OF SOLID WASTE IN

THE VILLAGE OF FLORIDA

BE IT ENACTED, by the Village of Florida Village Board of Trustees as follows:

SECTION 1. Legislative Intent.

 The Village Board finds that it is necessary to regulate the manner of garbage or solid waste collection to ensure the health, safety and welfare of Village residents and Village staff responsible for collecting garbage.

SECTION 2. **Chapter 71, entitled Garbage, Rubbish and Refuse of the Village of Florida Code, Article III, entitled Waste Removal Days is hereby deleted in its entirety and replaced to read as follows:**

 **Article 1 – Disposal of Solid Waste**

§ 71-\_\_ GENERAL REGULATIONS

 All garbage, refuse and recyclables placed outdoors shall be secured in watertight, odor tight and rodentproof containers with covers securely in place unless curbside for collection as set forth below.

No person, firm or entity shall place or cause to be placed, leave or permit to remain any garbage, rubbish or trash receptacles upon any of the sidewalks or other public places within the Village except on days designated by the Village Board as waste removal days.

§ 71-\_\_\_ DEFINITIONS. As used in this Chapter, the following definitions shall apply.

BULK WASTE – Large household items, such as furniture, mattresses, major appliances, scrap metal items and carpets. Bulk waste shall not include items that are prohibited under § 71-\_\_\_.

COMMERCIAL BUSINESS – any non-residential establishment, any multifamily dwelling with four or more units or any mixed-use establishment.

CONSTRUCTION AND DEMOLITION DEBRIS - Remains of major remodeling, construction, reconstruction, repair and demolition operations on houses, apartments, pavements and other structures, such as excavated earth, stones, concrete, bricks, plaster, roofing, sheathing, lumber and insulation, as well as rubble from the installation of plumbing, heating and electrical systems.

RESIDENTIAL SOLID WASTE – Solid waste originating in and around residential premises, including all residential users and such multiple residential, mixed residential and/or commercial users as may elect and be approved by the Department of Public Works Superintendent to receive solid waste collection services.

SUPERINTENDENT – The Department of Public Works Superintendent

UNIT – Each unit shall be equal to one (1) 96 gallon container of garbage.

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| Single and Two Family | 1 Unit per dwelling unit |
| Multi-family (3+ units) | 0.5 unit per dwelling unit |
| Commercial | As determined by the Superintendent |

§ 71-\_\_ PUBLIC COLLECTION AND DISPOSAL OF SOLID WASTE

The Village shall collect and dispose of all residential solid waste originating in the Village.

At the discretion of the Superintendent of Public Works, the Department may collect and dispose of commercial, institutional, multiple residence and mixed residential use solid waste originating in the Village if the Superintendent determines that collection from such users can be accomplished using existing staff and equipment and without compromising the services provided by the Village to residential users. Commercial businesses that are utilizing Village solid waste collection as of the effective date of this chapter shall be deemed approved. The Department shall not collect industrial, infectious, or hazardous waste.

Commercial, institutional, multiple residential and mixed residential users, other than those which elect to receive and are approved to receive Village solid waste collection services, must provide for the lawful collection and disposal of solid waste and recyclables and must establish to the satisfaction of the Superintendent that a licensed commercial solid waste and/or recyclable collector is providing collection and disposal services for the user and that solid waste collection is being made at a frequency determined by the Superintendent to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Superintendent shall constitute a violation and shall be subject to penalties provided by § 71-\_\_\_ herein.

§ 71 -\_\_\_\_ REQUIREMENTS FOR MUNICIPAL COLLECTION

Garbage intended for curbside collection by the Village shall be placed in Village provided containers no larger than 96 gallons. No container shall be placed or permitted near the curb or street prior to 3:00 p.m. the day before collection or after 11:59 p.m. the day of collection.

Garbage shall be separated from recyclable materials.

§ 71-\_\_\_ Bulk Waste

 Solid waste that cannot fit within the Village provided containers shall be deemed bulk waste.

 Bulk waste shall not be set out for collection except for (1) bulk waste collection days as designated by the Village Board of Trustees or (2) with prior approval of the Superintendent.

 Property owners setting out bulk waste with prior approval of the Superintendent shall follow the directions of the Superintendent with respect to the placement and timing of the bulk waste. Property owners will be billed in accordance with the fee schedule.

In the event a property owner or occupant sets out bulk waste and such waste is not removed within 24 hours, the Superintendent shall cause such waste to be removed and the owner of the property shall be billed in accordance with the fee schedule.

 §71- \_\_\_ PROHIBITIONS

1. The following is not permitted to be set out for garbage collection:
2. Garbage not contained within a Village provided container.
3. Hazardous waste including but not limited to, automotive products such as batteries, oil and gas, automotive fluids; mercury; oil-based paints and stains; propane tanks and fire extinguishers.
4. Medical waste including sharps.
5. Demolition and construction debris.
6. Tires
7. Materials that can be recycled.
8. Bulk Waste except as set forth in § 71-\_\_\_.
9. The following shall be prohibited:
10. Throwing or depositing litter in or upon any street, sidewalk or other public place within the Village except in receptacles for collection as set forth in this Chapter
11. The failure of an owner or person in control of any private property to maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.
12. Setting out bulk waste except on designed bulk waste days or as approved by the Superintendent.

§ 71-\_\_\_ Schedule of Fees

The Village Board of Trustees shall set and amend from time to time the fees set forth in this chapter following the procedure set forth in Chapter 8, “Fees,” of the Village of Florida Code.

Initial fees shall be as follows:

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| Replacement Container | $ 75.00 |
| Bulk Waste (with approval) | $ 205.00 per ton (minimum one ton) |
| Bulk Waste (without approval) | $ 250.00 per ton (minimum one ton) |

 § 71- \_\_ Late Fees

 Any fee incurred pursuant to this chapter shall be paid within thirty (30) days after mailing of the invoice. Unpaid fees shall accrue penalties in accordance with Village Law § 5-518 (4) at one-half of one per centum per month (0.5%) until paid or discharged.

 If any fees including interest thereon, are not fully paid on or before April 30th, the unpaid amount shall become a lien upon the real property and may be collected in the same manner and at the same time as provided by law for Village taxes.

 § 71- \_\_\_ Additional Units

 Property owners may request additional units by filing a form promulgated by the Village Clerk.

**Article 2 – Penalties for Offenses.**

Any person, firm or corporation found to be violating any provision of this chapter shall be subject to a penalty of not more than $ 250 for the first offense or imprisonment for a term not exceeding 15 days, or both; not more than $ 500 or imprisonment for a term not exceeding 15 days, or both for the second offense within 18 months; not more than $ 1,000 or imprisonment for a term not exceeding 15 days or both for the third offense within 18 months. Each day on which any violation continues shall constitute a separate offense.

**SECTION 3. SUPERSESSION**

This Local Law supersedes, amends, and takes precedence over any inconsistent provisions of New York Village Law under the Village’s Municipal Home Rule powers, pursuant to Municipal Home Rule Law § 10 (1)(ii)(e)(3) including but not limited to Village Law § 22-2200.

**SECTION 4. AUTHORITY**

 This local law is adopted pursuant to section 10 of the Statute of Local Governments which provides local governments the power “to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties”.

**SECTION 5. SEVERABILITY**.

 If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof , but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 6. EFFECTIVE DATE.**

 This local law shall take effect June 1, 2022.