

PART II – GENERAL LEGISLATION

Chapter 106 Health and Sanitation

[Amended and Adopted, December 17, 2012, as Chapter 106 of the Code]

Article I Regulating Refuse Storage and Collection Sections 106-1 – 106-9

[Adopted as Local Law #2 of 1983, Amended and Adopted, December 17, 2012 as part of Ch 106]

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Article IV Re-levy of Solid Waste Fees Sections 106-31 – 106-35

[Adopted as Local Law #3 of March 28, 1994, Amended and Adopted, December 17, 2012 as part of Ch 106]

Article V Outdoor Burning Sections 106-36 – 106-40

Article I – Regulating Refuse Storage and Collection

Section 106-1 – Definitions

a) The term "person" as used in this Chapter shall include an individual, society, club, firm, partnership, corporation, church or an association of persons, and the singular number shall include the plural number.

b) The term "rubbish" as used in this Chapter shall mean papers, rags, empty cans, bottles, plastic containers, plastic bags or plastic coverings and similar waste.

c) The term "garbage" as used in this Chapter shall mean every accumulation of both animal and vegetable matter, liquid or otherwise, which accumulates in the preparation of food, and all sorts of meat, fish, fowl or vegetables which are stored or dealt in are subject to decay and any covering upon which it is or has been stored whether plastic, paper, glass, metal or other material. The term "garbage" shall also include diapers and sanitary napkins.

d) The term "exterior trash" as used in this Chapter shall mean pieces of wood, boxes, packages, packing, ashes and similar material.

e) The term "refuse" shall include rubbish, garbage and other trash as defined in this Article.

f) Yard waste shall mean grass, leaves, cuttings, shrubbery, tree trimmings and the like

Section 106-2 – Cans and Containers – Except as otherwise provided herein, all garbage and rubbish intended for and permitted for removal shall be contained in a tightly covered water-tight galvanized iron, plastic, vinyl or other non-rusting can or container having handles and of a capacity of not less than ten or more than thirty gallons per container and filled no higher than to within four inches from the top. Specifically excluded herefrom is the utilization of plastic trash bags unless they are contained within the aforementioned can or container or are used to contain only rubbish or exterior trash. Refuse to be collected shall not be permitted to become

wet or to freeze. Any refuse can or container that does not conform to the provisions of this Chapter, or that may have ragged or sharp edges, or any other defect, tending to hamper or injure the person collecting the contents thereof, may be collected and disposed of by the party making collection as refuse.

Section 106-3 – Regulations Regarding Disposal

a) The Board of Trustees shall establish collection days for the collection of rubbish and garbage as contracted by the Board of Trustees with a private hauler or as otherwise directed and provided for. Other trash as defined herein shall be collected as authorized by the Board of Trustees.

b) No rubbish or garbage shall be deposited at or near the curb for collection before eight o'clock of the evening preceding the morning set for the collection thereof nor beyond the day set for the collection thereof, which shall be placed in front of the premises where generated.

c) No person shall take, remove, or otherwise disturb any refuse, which has been placed for and is waiting for removal, except the owner thereof, without permission from the Department of Public Works.

d) All containers shall be set out in plain view from the street and must not be more than six feet from the edge of the pavement, nor in the street.

e) When collection of other trash is authorized by the Board of Trustees, notice of same shall be given in the official newspaper of the Village at least once, published at least ten days before the scheduled collection of said other trash. Tree trimming, shrubbery or similar materials not easily stored in regulation containers must be compacted to reduce bulk and tied in bundles not over three feet long, eighteen inches in width and 75 pounds and must be placed at the curb line. Building materials and demolition materials will not be taken unless authorized by the Board of Trustees to be removed with other trash.

f) Burning of refuse out of doors is prohibited.

g) No containers for refuse and any refuse not collected shall be left remaining at the edge of the pavement later than eight o'clock in the evening of the day when said refuse matter was collected.

h) Trees or tree trimmings in excess of six (6) inches in diameter will not be collected as external trash.

i) No refuse generated or gathered outside of the village shall be left for collection by or on behalf of the village, and, any person transporting refuse into the village and/or knowingly permitting refuse to be transported from outside the village into the village and placed for collection with that person's refuse by or on behalf of the village shall be guilty of a violation of this Chapter. Excepted herefrom shall be any rubbish or garbage, as defined herein, generated by a village resident outside the Village and brought to that resident's village property (whether rented or owned) for collection.

j) Yard waste shall not be collected by the municipal hauler.

Section 106-4 – Dog Owner’s Responsibility – Any dog owner, whether a village resident or otherwise, shall be responsible for retaining control and custody of his or her dog on collection days. In the event a dog is found eating, tampering with or tearing refuse and/or its container or cover of any sort, the owner of said animal shall be deemed to have committed a violation of this Chapter. In the event a plastic garbage bag is the cover without being contained within a container as required herein, the owner, tenant or occupant of the premises where the refuse is left for collection shall also be deemed to have violated this Chapter.

Section 106-5 – Collection Charges – The Board of Trustees shall periodically establish charges for the collection of refuse which shall be billed quarterly to village taxpayers along with sewer charges or otherwise as the Board of Trustees may direct. The penalty for non-payment of utility charges is 10% per quarter, compounded. The Board of Trustees may, in its discretion, exempt any multiple dwelling buildings anywhere within the village and any commercial businesses within the Village Center District which, by the nature of their operation, generate refuse of a quantity and quality not readily collected by or for the village, and, providing other acceptable arrangements for refuse disposal are made for said exempt properties by the owner, tenant, or occupant thereof. Such other arrangements must be satisfactory to the Board of Trustees. In such cases no charges shall be made to the owner or owners of said properties for collection. To be exempt from said charges, said properties must and shall be excluded from any contract the Board of Trustees may have with any private hauler for refuse collection.

Section 106-6 – Notice – Before any violation of this Chapter as described hereafter in Section 106-7 hereof can be charged or alleged, written notice by ordinary mail shall be served upon the owner of the premises upon which the violation occurred and any tenant or other occupant thereon and should there be any subsequent violation of this Chapter within six (6) months thereafter, any fine as imposed herein may be levied against the property owner, the tenant or other occupant or both.

Section 106-7 – Saving Clause – If any section, portion or provision of this Chapter shall be adjudged to be invalid, such adjudication shall apply only to such portion thereof so expressly adjudged invalid. The remaining sections or portions of this Chapter shall be deemed to be in all respects valid and effective.

Sections 106-8 and 106-9 – Reserved

Article II – Littering

Section 106-10 – "Litter" defined – For the purposes of this article the term "litter" shall mean garbage, refuse and rubbish and yard waste as defined in Article I of this chapter and all

other waste material which, if thrown or deposited as prohibited herein, tends to create a danger to public health, safety and welfare.

Section 106-11 – Litter In Public Places – No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the village, except in public receptacles or in authorized private receptacles for collection or in official village dumps.

Section 106-12 – Sidewalks to be kept free of litter – Persons owning or occupying property shall keep the sidewalk in front of such premises clean and free of litter.

Section 106-13 – Property to be kept free of litter – No person shall throw or deposit litter on any occupied or vacant property whether he owns it or not. The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection. These receptacles shall be maintained in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place.

Section 106-14 – Removal of litter from private property

a) Authority of village. The village may on ten (10) days' notice in writing to be served personally or by registered mail, cause the owner of private lands to remove litter from the premises, and upon default may cause the same to be removed by the village and the total cost thereof may be assessed upon the real property on which said litter is found, and after thirty (30) days from the date of said default and removal by the village, the total charge for removal of same shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the manner provided by law for the collection of delinquent taxes.

b) Notice to nonresident. If the owner of said lands is a nonresident, a notice to so remove said litter when mailed to such owner and addressed to his last known address shall be sufficient service thereof.

Section 106-15 – Placing litter in receptacles to prevent scattering – Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent its being carried or deposited by the elements upon any street, sidewalk or other public place.

Section 106-16 – Sweeping litter into gutters, streets – No person shall sweep into or deposit in any gutter, street or other public place within the village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

Section 106-17 – Discarding litter from vehicles – No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the village.

Section 106-18 – Trucks causing litter – No person shall drive or move any truck or other vehicle within the village unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place. Nor shall any truck be driven within the village in such a manner that it causes gravel, crushed stone, earth or similar materials to be spilled or deposited upon streets or public places within the village.

Section 106-19 – Reserved

Article III – Miscellaneous Provisions

Section 106-20 – Conditions designated nuisances, prohibited – Whatever is injurious or dangerous to human life or health; whatever building or part thereof is overcrowded or not provided with adequate means of ingress and egress, or is not sufficiently supported, ventilated, sewerred, drained, lighted or cleaned; and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal.

Cross references – Dangerous buildings generally, 44-9; construction, maintenance of unsafe heating apparatus, 44-11; order to remove or remedy conditions creating fire hazards, 44-6; unsanitary deposits prohibited, 198-21.

Section 106-21 – Removal, abatement of nuisances

a) Duty of owner, occupant. No owner or occupant of any premises in the village upon which there is any offensive matter or material, shall fail to remove or abate the same whenever the same shall become offensive or a public nuisance, and when ordered in writing to do so by the Mayor or Village Board of Trustees.

b) Authority of village. In case such offensive matter or material shall not be removed or abated pursuant to such order, the Board of Trustees shall cause the same to be removed or abated at the expense of the village, and such expense shall be declared a lien upon said lot or premises and the collection of such expense will be enforced in the manner prescribed for the collection of unpaid taxes in the village, or by action against the owner or occupant, or either of them, of such premises or any person who may maintain or control such nuisance.

Section 106-22 – Smoke, soot and other noxious emissions – It shall be unlawful for any person or any servant, agent or employee of any person, to permit or allow, or cause to be permitted or allowed, the discharge or escape into the open air of large quantities of smoke, soot, dust, steam or offensive odors in such manner or in such quantities as to cause or have a natural tendency to cause injury, detriment or annoyance to any person or to endanger the comfort, repose, health or safety of any person or in such manner as to cause or have a natural tendency to cause injury or detriment to business, merchandise, goods or property.

Section 106-23 – Depositing spoiled food, etc., on streets, sidewalks, public places – No person or property owner shall throw or deposit or permit any person in his employ to throw, place or deposit any filth, dead animal carrion, putrid meat or fish, decayed or decaying vegetables or other food particles or items upon any sidewalk, street, or public place in the village, or cause or permit such material or substances to remain upon any lot owned, used or occupied by such person.

Section 106-24 – Stagnant surface water prohibited – No person shall permit surface water or other liquid matter to stand or remain upon any lot owned or occupied by him or upon any lot over which he has control as a tenant, agent or otherwise, until the same becomes offensive or stagnant, nor shall any person permit such water or other liquid matter to run from his possession onto any other land or into any street.

Section 106-25 – Violations – Violations of any of the provisions of this Chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250) for any offense. In addition, such actual violation by the property owner or the tenant or other occupant shall constitute disorderly conduct, and any person violating said Chapter shall be a disorderly person. Each day such violation shall continue shall constitute a separate offense.

Sections 106-26 – 106-30 - Reserved

Article IV – Re-levy of Solid Waste Fees – A article provides for the re-levy of solid waste fees in the Village of Marcellus in accordance with Section 120-cc of the General Municipal Law.

Section 106-31 – All unpaid fees or charges for municipal or municipally contracted solid waste collection and/or disposal services, including penalties or interest, not paid by May 1st of each year shall be added to the annual Village tax levy.

Section 106-32 – The Board of Trustees shall annually cause a statement to be prepared setting forth each amount of solid waste disposal and/or collection fees in arrears as of thirty days prior to the last date prescribed by law for the annexation of the warrant to the assessment roll, a brief description of the property for which or in connection with which such solid waste services we're provided, and the name and address of the person or corporation liable to pay such amount. Such state shall be presented to the Board of Trustees, which shall levy such amounts remaining unpaid on the date taxes are levied against the real property for which or in connection with which such solid waste services were provided.

Sections 106-33 – 106-35 – Reserved

Article V Outdoor Burning

Section 106-36 – The purpose of this article shall be to protect and promote the health, safety and welfare of the people of the Village of Marcellus by prohibiting the burning of garbage, rubbish and refuse and yard waste, and regulating open burning and recreational fires. It is recognized that occasional recreational fires, as allowed herein, are acceptable in the Village of Marcellus using clean wood.

Section 106-37 – All outdoor burning is prohibited in the Village of Marcellus except in a properly maintained and utilized barbecue grill, barbecue pit or outdoor fireplace that utilizes a spark-arresting screen and a lid or wherein products of combustion pass through a stack or chimney from an enclosed chamber.

Section 106-38 – Burning that will be offensive or objectionable due to smoke or odor emissions, or when atmospheric conditions or local circumstances make such fires hazardous, shall be prohibited.

Section 106-39 – Recreational fires, in an approved container, shall not be less than fifteen (15) feet from any structure and provisions shall be made to prevent the fire from spreading to within fifteen (15) of any structure. The Village of Marcellus Code Enforcement Officer may increase the required distance from structures as warranted.

Section 106-40 – Reserved

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