

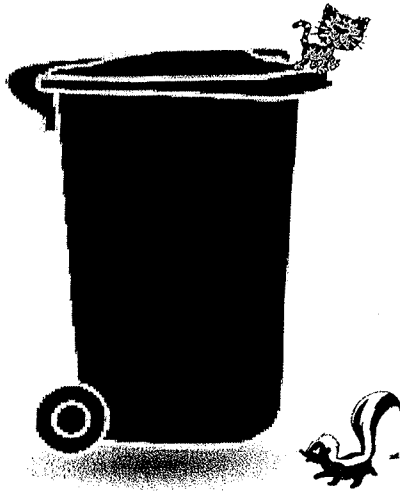
FORT PLAIN RESIDENTS, MERCHANTS AND LANDLORDS

***** PLEASE NOTE *****

TRASH IN CAN WITH LID

ATTENTION ALL PROPERTY OWNERS & LANDLORDS: DUE TO THE INCREASE OF SKUNKS AND OTHER ANIMALS GETTING INTO THE TRASH AND IN AN EFFORT TO FIGHT BLIGHT AND TRY TO MAKE FORT PLAIN A MORE ATTRACTIVE COMMUNITY, VILLAGE BOARD MEMBERS AND THE OFFICE OF CODES ENFORCEMENT WILL BE STRICTLY ENFORCING CHAPTER 138-3 OF THE VILLAGE CODES WHICH STATES TRASH MUST BE IN A TRASH CAN WITH LID. IF YOU DO NOT, YOUR TRASH WILL BE LEFT BY THE TRASH COLLECTOR AND YOU COULD BE FINED UP TO \$250.00.

LOCAL BUSINESSES IN TOWN HAVE A SUPPLY OF TRASH CANS WITH LIDS FOR SALE.



GARBAGE ORDINANCES

- THE GARBAGE MUST BE PLACED INTO A GARBAGE PAIL WITH A LID COVERING THE PAIL
- HOUSEHOLD GARBAGE IS COLLECTED ON TUESDAY & FRIDAY MORNINGS
- COMMERCIAL GARBAGE IS COLLECTED ON TUESDAY, FRIDAY & SATURDAY MORNINGS
- THE CONTAINER CANNOT BE PUT OUT PRIOR TO 5PM THE NIGHT BEFORE PICKUP AND MUST BE REMOVED PRIOR TO 6PM ON THE DAY OF PICKUP.
- LARGE ITEM TAGS CAN BE PURCHASED AT THE VILLAGE HALL
- NO OUT OF TOWN TRASH DEPOSITORS

PROPERTY MAINTENANCE

- OWNERS/OCCUPANTS SHALL MAINTAIN THE PREMISE IN A CLEAN, SAFE AND SANITARY CONDITION. NYS PROPERTY MAINTENANCE CODE STATES ALL EXTERIOR SURFACES SHALL BE MAINTAINED IN A GOOD CONDITION.
- ALL EXTERIOR PROPERTY AND PREMISES SHALL BE FREE FROM ANY ACCUMULATION OF RUBBISH AND GARBAGE.
- STEPS AND WALKS SHALL BE MAINTAINED SO AS TO AFFORD SAFE PASSAGE UNDER NORMAL USE AND WEATHER CONDITIONS.
- IT IS PROHIBITED TO STORE OR ACCUMULATE GARBAGE OR RUBBISH ON PREMISES EXCEPT IMPROPERLY MAINTAINED RECEPTACLES.
- ALL PREMISES AND IMMEDIATE EXTERIOR PROPERTY SHALL BE MAINTAINED FREE FROM GRASS, PLANT GROWTH IN EXCESS.
(THIS DOES NOT INCLUDE CULTIVATED FLOWER OR GARDENS.)
- ALL BUILDINGS ARE TO HAVE STREET NUMBERS PROMINENTLY DISPLAYED ESPECIALLY FOR USE DURING EMERGENCIES.
- VEHICLES ARE NOT TO BE PARKED ON SIDEWALKS PREVENTING PEDESTRIAN PASSAGE.

§ 138-3. Restrictions and requirements.

- A. No person shall discard or deposit or cause to be discarded or deposited any garbage or rubbish in or upon any public highway or street in the Village of Fort Plain.
- B. Owners and/or occupants of premises within the corporate limits of the Village of Fort Plain shall maintain the condition of such premises in a manner that complies with the minimum standards and requirements hereinafter established.
- (1) It shall be prohibited to store or accumulate garbage or rubbish on premises except in such receptacles as shall be adequate to contain such garbage or rubbish, and all such receptacles shall be maintained in good repair.
 - (2) Exterior property area shall be kept free from organic and inorganic material that might become a health, accident or fire hazard.
 - (3) Fences shall be maintained in safe and substantial condition.
 - (4) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.
 - (5) Yards and courts shall be kept clean and free of physical hazards.
 - (6) Heavy undergrowths and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.
 - (7) Exterior property areas shall be free from conditions which may create a health, accident or fire hazard.

Chapter 153

SOLID WASTE

- § 153-1. Definitions.**
- § 153-2. Scheduling of collection.**
- § 153-3. Collection.**
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- § 153-8. Fees.**
- § 153-9. Private waste haulers.**
- § 153-10. Indemnification.**
- § 153-11. Penalties for offenses.**
- § 153-12. Enforcement.**

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Plain 6-15-1993 by L.L. No. 1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

**Handbills and littering — See Ch. 110.
Sewers — See Ch. 144.**

§ 153-1. Definitions.

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

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

COLLECTION OR DISPOSAL BY THE VILLAGE — Collection by a contractor hired by the Village to collect garbage and shall include collection by MOSA as to recyclables.

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.

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, recyclable materials or any other material not covered under this definition.

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

MOSA — Montgomery-Otsego-Schoharie Solid Waste Management Authority.

RECYCLABLES — Such items as are to be collected for recycling as may be designated by the Village Board by resolution. [Amended 4-30-1996 by L.L. No. 1-1996; 4-17-2007 by L.L. No. 1-2007]

RUBBISH — Food wastes, including but not limited to table cleanings, fruit, vegetable and animal parings and scraps, decaying or spoiled vegetable, animal and fruit matter; any paper, plastic, cardboard or other material used to wrap, cover or contain food and any other household waste resulting from the use, consumption and preparation of food; metal and miscellaneous waste materials, including rags, drugs, 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 similar waste material. "Rubbish" does not include bulk items, rubble, ashes, leaves, yard and garden waste, manure of any description, any other material not covered under this definition or any items considered as being suitable by the Village. **[Amended 4-30-1996 by L.L. No. 1-1996]**

SOURCE SEPARATED — The separation of recyclables from other components of the solid waste stream by the waster generator according to procedures determined by the Village. **[Added 4-17-2007 by L.L. No. 1-2007]**

WASTE GENERATOR — Any individual, public or private business, institution, industry or organization that generates solid waste within the Village. **[Added 4-17-2007 by L.L. No. 1-2007]**

§ 153-2. Scheduling of collection.

- A. Collection areas, together with the dates and times of collection, shall be established by regulation of the Village Board. In the event of an emergency situation, the Village Board may suspend, restrict or otherwise modify the provisions of this chapter during the course of such emergency.
- B. No garbage, waste materials or recyclables shall be placed at or near any curb, sidewalk or street for purposes of collection by the Village other than on the particular days or during the particular time periods as prescribed by resolution of the Village Board as to recyclables. **[Amended 4-30-1996 by L.L. No. 1-1996]**

§ 153-3. Collection.

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

- A. Garbage from business premises or dwelling units shall be placed 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 plastic bags must be clear so as to allow the contents of such bags used as containers for garbage to be easily viewed.
- C. Each container or bag of garbage placed for collection shall be free of any materials not covered under the definition of garbage. Each container or bag of recyclables placed for collection shall be free of any materials not covered under the definition of recyclables.
- D. No person shall place any garbage, waste materials or recyclables at or near any curb, sidewalk or street other than the curb, sidewalk or street immediately in front of the property from which such garbage, waste material or recyclables was generated.
- E. The placement of any garbage, waste material or recyclables at or near any curb, sidewalk or street other than in compliance with this section shall constitute a violation of this chapter.
- F. The placement of household garbage in the trash receptacles provided by the Village in the downtown area and in the parks shall constitute a violation of this chapter.
- G. 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 materials shall be of the type announced by the Village and placed for collection at the times specified by the Village.
 - (2) The waste material shall be collected, bound, contained, placed or otherwise treated in the manner specified by the Village.
- H. No person shall place any garbage, waste materials or recyclables near any curb, sidewalk or street for purposes of collection by the Village unless that person complies with the following requirements: **[Amended 4-30-1996 by L.L. No. 1-1996; 4-17-2007 by L.L. No. 1-2007]**
- (1) All mandatory recyclable material that is designated for curbside pickup shall be placed in an appropriate container as prescribed by the Village Board.
 - (2) All garbage, waste materials and recyclables that are to be collected by or on behalf of the Village shall be placed for collection at or near a curb, sidewalk or street after 5:00 p.m. on the day prior to the date designated for collection. There will be no callbacks to collect refuse or any other wastes that are placed for collection after 12:01 a.m. on the designated collection day.
 - (3) All waste generators within the Village shall source separate recyclables from garbage, rubbish and any other waste generated within the Village.

§ 153-4. Materials to be collected.

- A. The Village shall be responsible for collecting on a regular basis only those waste materials that constitute garbage. Recyclable materials shall be collected at such times as designated by the Village Board. **[Amended 4-30-1996 by L.L. No. 1-1996]**
- B. The Village shall also be responsible for collecting any additional waste materials that the Village may announce

will be collected on particular days or during particular time periods. These additional waste materials may in the discretion of the Village Board, including, for example, bulk items and yard waste. The Village shall be responsible for collecting any such additional waste materials only on the days or during the time periods announced pursuant to the resolution of the Board of Trustees.

- C. The Village shall not be responsible for collecting any debris resulting from renovations such as plasterboard, roofing materials of any description, whether separate or mixed with garbage, or materials that have been placed or prepared in ways that do not comply with all the provisions of this chapter.

§ 153-5. Removal of empty containers.

All empty refuse containers and empty waste material containers shall be removed from the curb, sidewalk or street where they have been placed as soon as possible after collection and, in any event, by 6:00 p.m. on the day of collection. Empty refuse containers or other empty waste containers remaining at or near the curb, sidewalk or street 24 hours after collection may be picked up and disposed of by the Village. Notwithstanding such removal and disposal of the empty containers by the Village, the failure to remove the container by 6:00 p.m. on the day of collection shall constitute a violation of this chapter.

§ 153-6. Uncollected garbage, waste materials or recyclables.

Where certain garbage, waste materials or recyclables have not been collected because said materials were not placed or prepared in accordance with the provisions of this chapter or as may be designated by resolution of the Village Board or MOSA, the person who placed such materials for collection or the owner of the real property adjoining the curb, sidewalk, street

or alley where such garbage, waste materials or recyclables were placed shall remove the same from that location as soon as possible after collection has been refused and, in any event, by 6:00 p.m. of the designated collection day. The failure to remove any garbage, waste material or recyclables by 6:00 p.m. of the designated collection day shall constitute a violation of this chapter.

§ 153-7. Noncompliance; special service charge.

- A. Whenever a person places garbage or other waste materials at or near a curb, sidewalk, alley or street for collection by the Village without complying with all the provisions of this chapter, 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 garbage or waste material which gives the reason why the material was not collected. In lieu of affixing such notice, the Village may also notify the 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 is appropriate, and shall be provided as soon as feasible after the Village refuses to collect that material.
- B. The Village may collect the garbage or other waste material notwithstanding the fact that it does not comply with the provisions of this chapter. In such cases the Village shall assess a special service charge against the owner of the property from which such garbage or waste material was generated. Such special service charge shall be determined by a resolution of the Village Board. Any service charges not paid by the due date shall become a lien upon the real property and collected along with the real property taxes.
- C. Noncomplying recyclables shall be subject to the rules as may be designated by the Village Board by resolution. **[Amended 4-30-1996 by L.L. No. 1-1996; 4-17-2007 by L.L. No. 1-2007]**

§ 153-8. Fees.

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

§ 153-9. Private waste haulers.

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

§ 153-10. Indemnification.

Property owners and their agents, lessees, tenants or other occupants who place materials not in accordance with this chapter shall hold harmless and indemnify from any and all losses the Village, 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.

§ 153-11. Penalties for offenses.

- A. Any person who commits a violation of this chapter shall be punished as follows: by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.
- B. Each commission of a single act shall constitute a separate violation of this chapter, and each day of such violation shall constitute a separate offense which may be punished and prosecuted as such.

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§ 153-12. Enforcement.

Any police officer of the Village of Fort Plain or any Code Enforcement Officer(s) having jurisdiction within the Village is hereby authorized and empowered to issue or cause to be issued a summons and/or appearance ticket returnable in the Justice Court or other court of competent jurisdiction for any violation of the provisions of this chapter.