

Chapter 214
SOLID WASTE
ARTICLE III
Handling and Removal

Section 214-6.1. Rules and regulations.

Every person, firm or corporation handling, moving or hauling garbage, ashes, trash or any form of refuse or waste material on, through or over streets of the Village of Sherburne shall observe the following rules and regulations:

- A. Trucks, wagons or any other vehicles used shall be equipped with leak proof dump-type body or other type of leak proof body with solid side paneling.
- B. No such vehicles shall be loaded to a point higher than the top edges of the body paneling, and the tail gate shall be kept raised and closed when the vehicle is in motion.
- C. A tarpaulin, canvas or other suitable cover must be placed on top of the load when the vehicle is in motion to prevent any waste material from being blown or scattered from the vehicle onto the streets.
- D. Operators of such vehicles shall take due care and caution in the operation of such vehicles and in the handling and hauling of such waste material to prevent the dropping or spilling of such material in the Village streets.

Section 214-6.2. Penalties for offenses.

The violation of any provision of this article shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Garbage

Section 214-6.3. Storage requirements.

- A. All garbage and refuse shall be kept in a metal or durable plastic, non-leaking, tightly covered container designed to prevent the attraction of animals.
- B. Every landlord must provide a suitable trash container for each occupied rental unit. The trash container shall be of suitable size to meet the needs of the occupants (i.e., a one-bedroom unit may have a container large enough to hold two bags of garbage per week; a two-bedroom, four bags per week, etc.). For larger occupancies, such as multifamily dwellings or commercial buildings, a dumpster may be provided as long as it is readily available to all occupants. Failure to provide such receptacles shall result in a minimum fine of \$50 per unit, per offense.
- C. Garbage and refuse must be stored in areas screened from view of the street.

Section 214-6.4. General garbage and refuse maintenance.

- A. Garbage and refuse containers are to be placed out for collection no earlier than 12 hours before scheduled pickup and cannot remain there for more than 12 hours after pickup.
- B. Garbage and refuse cannot be placed on the street or sidewalk where it can interfere with bicyclists, pedestrians and vehicles.
- C. Accumulations of rubbish, including, but not limited to, vehicle parts, tires, scrap lumber, construction materials, old appliances, and leaves and branches in property yard are considered garbage. Leaves and branches may be piled temporarily, provided they are being gathered for disposal, but cannot remain in sight for an indefinite period of time.
- D. Furniture designed for indoor use placed in a yard or on an unenclosed porch will be considered rubbish.
- E. No person in charge or control of any property within the Village, whether as owner, occupant, tenant or otherwise, shall allow any rubbish to remain on such property longer than 24 hours after notice given to such person to remove and dispose of such rubbish.

Section 214-6.5. Costs of clearing and cleaning.

- A. The following costs are hereby established to be imposed when the Village or its independent contractor clears and cleans a noncomplying premises in accordance with Section 214-6.3 herein:
 - (1) First occurrence within a three-year period: \$100, plus the actual cost of the work.
 - (2) Second occurrence within a three-year period: \$200, plus the actual cost of the work.
 - (3) Third or more occurrences within a three-year period: \$300, plus the actual cost of the work.
- B. For the purposes of this article, the "actual cost of the work" is defined as follows:
 - (1) In the case of an independent contractor, the total agreed-upon contract consideration.
 - (2) In the case of the Village performing the work, the sum total of man hours expended multiplied by the hourly wage, plus fringe benefits paid each Village employee utilized, plus the sum total of equipment hours utilized multiplied by an hourly rental charge therefore.

Section 214-6.6. Statement of costs; collection.

A. A statement of costs incurred for clearing and cleaning, in accordance with Sections 214-6.3 and 214-6.5 herein, and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return-receipt-requested mail. Such statement of costs shall require payment to the Treasurer not later than 30 days from receipt.

B. In the event the said costs are not timely paid, the Board of Trustees of the Village of Sherburne may direct the Village Attorney to bring a proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

Section 214-7. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a penalty of not more than \$250 or imprisonment for not more than 15 days, or both, for each offense.

This local law shall take effect immediately upon filing with the Secretary of State.

William Acee, Mayor