

**VILLAGE OF TUCKAHOE  
PROPOSED LOCAL LAW**

**Chapter 10  
Garbage, Trash and Refuse**

**Article I  
In General**

**§ 10-1 Dumping grounds.**

- (a) No dumping ground owned or maintained by the Village shall be used by any person except by written permission of the Village Clerk and under the supervision of the Street Commissioner and subject to such rules in regard to the use thereof as the Board of Trustees may establish from time to time.
- (b) No person may, without a permit from the Board of Trustees of the Village and subject to such regulations as the Board of Trustees may provide, use any lands within the Village for the purpose of dumping ground nor shall any person dump upon the property of another without the permission of such owner.
- (c) Any person violating the provisions of this section shall thereby incur a penalty as prescribed in § 1-7 for each offense, and such violation shall constitute disorderly conduct and the person guilty thereof shall be a disorderly person.

**§ 10-2 through § 10-16. (Reserved)**

**Article II  
Collection**

**§ 10-17 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

- (a) **BUSINESS** — A building or property used for business, manufacturing or other commercial purposes, including senior living facilities, hotels and nursing homes.
- (b) **COLLECTION DAY** — Days scheduled by the Village for different types of pickup.
- (c) **COMMERCIAL USE** — Any business use, including senior living facilities, hotels and nursing homes.

- (d) **DUMPSTER** — A large trash receptacle for any material.
- (e) **GARBAGE** — Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- (f) **LITTER** — Garbage, refuse or rubbish, as may be defined herein, and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.
- (g) **MECHANICALLY EMPTIED CONTAINER** — A container of 0.25 through eight cubic yards, the make and model of which is compatible with Village collection trucks. All such containers shall be on functioning casters or located to allow collection by Village vehicles and shall be equipped with lift bars and lift hooks compatible with Village equipment.
- (h) **MULTIFAMILY DWELLING** — A detached building containing three or more dwelling units.
- (i) **NONRESIDENTIAL PREMISES** — Commercial, industrial or institutional premises or a parcel of land containing three or more residential units.
- (j) **PERSON** — Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.
- (k) **PRIVATE DWELLING** — A detached building containing two dwelling units or fewer.
- (l) **PRIVATE PROPERTY** — Any property other than public highways, parks, parking lots and other publicly or municipally owned and/or maintained property.
- (m) **PRIVATE REFUSE COLLECTION SERVICE** — Any non-Village refuse collection service that collects and removes waste from dumpsters or similar containers.
- (n) **PUBLIC PLACE** — All parks, parking lots and any municipally owned and/or maintained property, including the park, lawn and sidewalks surrounding the Village Hall.
- (o) **RECEPTACLE** — Containers of galvanized metal or other durable and nonflammable material for the storage of garbage. Such containers shall include but are not limited to trash cans, dumpsters or similar such containers.
- (p) **RECYCLABLES** — Materials collected and picked up by the Village destined for disposal and reprocessing or remanufacturing for further use.
- (q) **REFUSE** — Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles; and automobiles not having a current valid New York State motor vehicle inspection certificate, except currently registered out-of-state vehicles. "Refuse" shall not include earth and wastes from building operations, nor shall it include solid or chemical wastes resulting from industrial processes and manufacturing operations such as food

processing wastes, boiler house cinders, lumber, scraps and shavings, nor shall it include recyclables as defined by the Westchester County Source Separation Law.

- (r) **RESIDENTIAL AREA OR ZONE** — An area primarily classified as residential by the Zoning Ordinance of the Village for residential purposes, or a building legally used as a residence, even if not in a residential district.
- (s) **BULK RUBBISH** — Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as, but not limited to, metals, glass, paper, wrapping, cardboard, cigarettes, tin cans, bedding, rags, boxes, crockery and similar materials. Noncombustible rubbish does not include waste, waste building material or stones, nor does it include recyclables as defined by the Westchester County Source Separation Law.
- (t) **SIDEWALK** — That portion of a street between the curblines of a roadway and the adjacent property lines intended for the use of pedestrians.
- (u) **STREET** — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.
- (v) **VILLAGE** — The Village of Tuckahoe, Westchester County, New York.
- (w) **YARD WASTE** — Miscellaneous waste material, such as tree branches, brush, twigs, grass and shrub clippings, weeds, leaves and general yard and garden waste materials, but does not include earth or building materials or the part of any tree, shrub, tree trunk or stump which exceeds three feet in dimension, nor does it include recyclables as defined by the Westchester County Source Separation Law.

#### § 10-18 **Prohibitions.**

- (a) **Accumulation prohibited.** The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Village, excluding any location designated by the Board of Trustees of the Village of Tuckahoe or the Westchester County Department of Health for such purposes, shall keep such land at all times free and clear of any accumulation of garbage, refuse, rubbish, litter and waste or discarded matter of any type, including automobiles, except such as may be deposited for collection and disposal purposes as provided for herein. Upon due notice, in writing, by the Superintendent of Public Works, the Building Inspector, the Code Enforcement Officer or the Police Department of the Village, given to such owner, lessee, contractor, tenant or other person to remove said accumulation of garbage, refuse, rubbish, litter and waste or discarded matter from said lot or parcel of land and upon failure to comply within a period of 24 hours after the service of said notice, said owner, lessee, contractor, tenant or other person may be deemed to have violated the provisions of this article. Notice shall be served by regular mail, in person or by leaving a copy thereof with a person of suitable age and discretion. Notwithstanding the foregoing, owners, lessees, contractors, tenants or other persons having management or control of or occupying any lot or plot of land shall only be entitled to three notices in any calendar year.
- (b) **Dumping prohibited.** No person shall dump, deposit, throw, place, cast or bury ashes, rubbish, yard rubbish, grass cuttings, tree cuttings, leaves, garbage, waste matter, offal or discarded matter of any type on any lot or plot of land in the Village, other than compost heaps such as may be utilized by a home

gardener when stored on his own property and appropriately screened from view, provided that such compost heaps do not develop obnoxious odors, attract rodents or otherwise create a hazard to the health and enjoyment of neighboring property owners. Discarded matter shall include any junked or abandoned vehicle which is without a currently valid license plate and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

- (c) Contents from vehicles prohibited. No person being the owner, driver or operator of any car or other vehicle, including construction vehicles, and no owner of any receptacle shall scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or hay, straw, oats, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste, refuse or rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or permit the same to be blown off therefrom by the wind upon any street or sidewalk or right-of-way or public place in the Village.
- (d) Liquid wastes on streets prohibited. No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other matter of any kind contaminated with filth to run or fall into or upon any street, sidewalk, right-of-way or public place in the Village or be taken or put thereon. No person shall illicitly discharge any liquid wastes or fluids or debris into any storm drain.
- (e) Animals wastes on sidewalks and public places prohibited. No person owning or having the care, custody or control of any domestic animals, including cats, whether leashed or unleashed, shall permit such animal to soil, deface or commit any nuisance upon any sidewalk or public place in the Village.

**§ 10-19 Authority of Superintendent of Public Works.**

- (1) All garbage, refuse, rubbish, litter and waste material of any type accumulated in the Village shall be collected, conveyed and disposed of under the supervision of the Superintendent of Public Works or his designee, who shall have the authority to make regulations concerning the days of collection, type, size and location of disposal containers, and such other matters pertaining to collection, conveyance, and disposal as he shall find necessary. The Superintendent of Public Works shall have the authority to change and modify any regulations after due notice to residents, merchants, operators of commercial establishments and any other persons so affected.
- (2) Commercial uses within the Village will be designated as Class A through Class J depending on size, use, number of dwelling units or number of business uses. Property owners will be charged a fee as set by the Board of Trustees by resolution for such services. Fees will be billed on a quarterly basis and must be paid before services will be rendered.
- (3) In order to use the Village services for pickup of mechanically emptied containers, the business owner will be required to sign a collections agreement approved by the Village Superintendent of Public Works and pay the user fees as adopted by the Board of Trustees. Any commercial user may opt out of the Village collection and instead have his or her garbage and/or recyclables collected by a private carter. Such private collection shall be made at least once per week. Any such owner choosing to have his or her garbage collected by a private carter who had previously had his or her garbage collected by the Village shall notify the Village in writing that Village pickup will not be necessary and advising which day of the week the private collection will be made.
- (4) The Superintendent of Public Works shall promptly discontinue service to any person, residence,

business, store, factory, restaurant or other commercial establishment for which the user fee is not timely paid.

- (5) Where the property owner or tenant has provided a mechanically emptied container, the Superintendent of Public Works may authorize Village trucks to enter upon such property with the written permission of the owners. The location of the container must be approved by the Superintendent of Public Works.

**§ 10-20 Receptacle standards and placement.**

- A. Garbage, recyclables and yard waste shall be placed and maintained in a secured containers or receptacles.
- B. It shall be the duty of every person having the ownership, management or control of or occupying any land or building to provide, for the exclusive use of such land or building or part thereof, sufficient receptacles to hold garbage, recyclables and yard waste ~~ashes and rubbish~~ ordinarily accumulated by the occupants of such land or building, each in separate receptacles, and allocate an area for storage of such receptacles in the interval between regular collections. Any waste material other than garbage, recyclables and yard waste, ~~ashes and rubbish~~, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, tied or packed so as to be easily handled, but shall not weigh more than ~~60~~ 30 pounds and shall not be likely to be scattered and, when packed and secured, may be placed at the curb on ~~curb~~ pickup days. Such packages or bundles should not exceed ~~three~~ 3 feet in length.
- C. Such receptacles shall not exceed 32 gallons' capacity and, when filled, shall not exceed ~~60~~ 50 pounds in total weight. Each of such receptacles provided for in this article shall be commercially manufactured for the purpose, equipped with suitable handles, watertight, kept covered with a tight-fitting, flanged cover and maintained in good and sanitary condition and shall be free of water or wetted materials. Receptacles shall be protected at all times from rain or snow and from being disturbed, displaced or spread about by persons, animals or the elements. Provision must be made that debris is not scattered by wind. Residential areas are limited to two containers per any one dwelling unit. Commercial ~~areas are limited to two containers per~~ establishment containers are based on the size, category and occupancy ~~and areas are limited to two containers per establishment~~.
- D. Any container or receptacle that does not conform to the provisions of this article or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be replaced promptly upon notice. The Superintendent of Public Works shall have the authority to suspend collection for failure to comply herewith.
- E. Refuse containers shall be placed in the sidewalk area immediately in front of the buildings in ~~business~~ all districts at specified collection times. ~~Refuse containers shall be placed at ground level in an accessible location at the side or rear of a dwelling or building in any residential district and of residences in commercial and manufacturing districts. During the winter, a path or a way must be cleared from the street to the location of the garbage containers.~~ At all times other than collection times, receptacles must be stored out of public view on the owner's property. The Superintendent of Public Works may authorize the removal of garbage, recyclables and yard waste ~~and ashes~~ from a the receptacle storage areas, provided that such storage areas are readily accessible to the collection vehicle

and collection in this manner will, in his opinion, result in a more expeditious removal of garbage, recyclables and yard waste ~~and ash~~ accumulation from such receptacles.

In no case can receptacles be placed in a public or private road, near trees, signs, fire hydrants, fences or any public or private owned obstruction.

F.

- (1) ~~Trash containers used for one and two family residences are not permitted in the front yard. If a practical difficulty in locating them in the side or rear yards can be proven to the satisfaction of the Planning Board, then said containers may be placed in the front yard in a manner and location acceptable to the Planning Board. If containers are to be placed in the front yard, then the Planning Board may require enclosure, screening, or both, as may be acceptable to the Board and following the guidelines contained herein for commercial, industrial or multifamily properties.~~
- (2) An industrial, commercial and multifamily use container shall not occupy a right-of-way or be located in a required yard (setback). The Planning Board may specify a minimum distance from the property line of an adjoining property for the proposed location.
- (3) The Planning Board will exercise the following preferences with regard to the proposed location of containers:
  - (a) The first (most) preferred location is inside the primary structure or building on the lot.
  - (b) The second preferred location is the rear yard.
  - (c) The third preferred location is the side yard.
  - (d) The fourth (least) preferred location is the front yard.
- (4) The Planning Board shall use the following criteria to assess the proposed location:
  - (a) The more visible a proposed location is to adjoining properties, pedestrians and passing vehicles, the less preferred the location will be.
  - (b) A lesser preferred proposed location shall be required to have more screening and a higher quality aesthetic value than a more preferred location.

#### § 10-21 **Collections.**

- A. Generally. The Village shall make regular collections of all refuse as often and during such specified hours as shall be prescribed by the Superintendent of Public Works. Collections shall be made from receptacles ~~when placed on or~~ in front of any premises at such accessible locations as shall be designated herein or by the Superintendent of Public Works. The Superintendent of Public Works shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or rodent issues are present or where employees of the Village are subject to any unnecessary danger or hazard.

B. Residential collections.

- (1) Regular collections from residential zones and residences in commercial and industrial zones shall be made from Monday through Friday on days and hours scheduled by the Superintendent of Public Works.
- (2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size and shall have a tight-fitting cover with a maximum filled weight of 60 pounds.
- (3) Quantities of refuse to be collected are limited as follows:
  - (a) Garbage. The equivalent of two thirty-two-gallon containers each collection day.
  - (b) Yard Organics ~~rubbish~~. The equivalent of two thirty-two-gallon containers. Bundled and tied tree trimmings, not exceeding ~~three~~ 3 feet in length and 24 inches in any other dimension, shall be equal to one thirty-two-gallon container. All must be placed at curbside no more than 12 hours before regular pickup and no later than 6:30 am.

Grass clippings, leaves, branches and other like organic garden materials. Excluded are tree trucks, root systems, tree stumps, logs, main branches and other large growing vegetation.

- (c) Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection yard waste during the months of January and February each year. Christmas trees do not have to be cut to meet length requirements described otherwise herein. Decorations, lighting and plastic storage bag must be removed before curbside placement.
- (d) Large household items. All large household items which cannot be picked up with regular garbage on the sanitation truck shall be placed at curbside no more than 12 hours before regular pickup no later than 6:30am and shall be equal to no more than two thirty-two-gallon containers in size. All large household metal items shall be placed at curbside no more than 12 hours before a scheduled metal pickup and no later than 6:30am. The Superintendent of ~~the Department of~~ Public Works shall have the authority to decline certain materials in accordance with the Village's ability to dispose of such materials. In the event that such materials have been declined by the Village, they must be removed from curbside within 12 hours from the time of refusal no later than 6:30pm the same day.
- (e) Leaf removal. ~~During the autumn leaf removal period, all leaves are to be picked up in bulk from the curb. At all other times,~~ During all collection periods, including the fall leaf collection, leaves must be in standard manufactured biodegradable leaf bags or 32 gallon receptacle ~~and closed with appropriate ties.~~ Biodegradable leaf bags shall not weigh in excess of X 10 pounds and receptacles no more than 50 pounds

C. Prohibitions.

- (1) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.
- (2) Empty receptacles shall be removed from the curb area no later than 6:30pm within the same day, unless

otherwise prescribed by the Village.

- (3) Unless otherwise provided for herein, refuse receptacles shall be stored only on private property, on a location adjacent to a principal or accessory use building, and in no case shall such receptacles be stored on public property or forward of the front building line of the principal structure.
- (4) It shall hereafter be illegal for any person to construct, place or build facilities for the storage of receptacles below property grade (underground).
- (5) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage or any place above or below level.
- (6) No person shall prevent or interfere with any employee of the Village in the sweeping or cleaning of any street, sidewalk or right-of-way or in the removal therefrom of sweepings, litter, snow, ice or other refuse material.
- (7) No person, other than an authorized employee or agent of the Village or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any garbage, refuse, rubbish, paper or boxes that have been placed outside of private houses or lots for removal.

No person shall transport to and / or attempt to dump in a Village trash receptacle any waste materials originating outside the Village. No resident, business owner, operator or employee shall place in a public waste receptacle maintained by the Village any waste materials that originated from residence or the operator of a place of business.

- (8) No employee of the Village, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse.

**§ 10-22 Materials not collected.**

- A. The Village shall not collect or dispose of any garbage, rubbish or refuse resulting from construction, alteration or demolition of a building. Such materials include but are not limited to concrete, plaster, wood studs, asphalt, cinder blocks, brick, sawdust, sod or dirt and any material otherwise commonly known as "building materials." Moreover, the Village shall not collect or dispose of any building materials generated by a contractor or resident contractor. Notwithstanding the foregoing, in the event that building materials result from or are generated by work performed by a property owner or resident, individually, the building materials may be placed at the curb for collection and pickup by the Village, provided that the quantity of such building materials does not exceed 60 pounds per collection day. In collecting such building materials, the Village shall only collect and pickup building materials limited to wood, wooden studs, doors, trim and sawdust. The Village shall not collect or dispose of any highly combustible materials, toxic or hazardous chemicals, automobile or other vehicle parts and junk vehicles. The Village shall not collect or dispose of any tree stumps or branches, unless they are split in sections six inches or less in diameter and three feet or less in length; branches shall be securely tied in bundles for easy handling.
- B. In the event that the private removal of such debris requires use of a dumpster or other similar type of container, no such container shall be placed upon public property without a permit therefor having been



issued by the Village in accordance with the procedures set forth in Subsection C of this section. Each such container must be properly secured after working hours for prevention of injury or accident and must be properly illuminated with lanterns or other such safety devices on the outside perimeter of the same, and under no circumstances shall such a container remain for more than 10 working days in any calendar month. No such permit shall issue unless the applicant shall place with the Village a certificate of insurance in an amount to be determined by the Superintendent of Public Works.

- C. Upon issuance of said permit, the applicant shall pay a fee in the sum of \$250 for the placement of such a container upon public property for a period of time not to exceed five consecutive days. In the event that the placement of such a container exceeds said five-day period, an additional fee shall be required in the sum of \$50 per day for each additional day. In addition, upon the issuance of any such permit, the applicant shall deposit with the Village of Tuckahoe the sum of \$500 as security for the faithful performance of the requirements of this subsection.
- D. The Village shall have no obligation to collect, pickup and/or remove any refuse, garbage, bulk rubbish, yard waste, building materials, appliances and/or household furnishings which were not generated and/or created by an owner, lessee, tenant or other person having management or control of or occupying any lot or plot of land in the Village.

**§ 10-23 Excessive accumulation of refuse.**

- A. Any accumulations of refuse resulting from failure of any person to comply with a provision of this article or from the failure of such person to take advantage of the regular collection service maintained by the Village and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.
- B. The Village will collect, on scheduled days, amounts of all classes of refuse from the premises in accordance with limitations set forth herein, but where abnormal amounts are placed for collection, the Superintendent of Public Works reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make special collection thereof at charges authorized by the Superintendent of Public Works.

**§ 10-24 Penalties for offenses.**

- A. Violation of the provisions of this article shall be punishable, upon conviction thereof, by a fine not exceeding \$350 or imprisonment not exceeding 15 days, or both, which shall be enforceable by the Superintendent of Public Works, the Building Inspector, the Code Enforcement Officer and any police officer in the Village Police Department.
- B. In addition to the penalties indicated in Subsection A above, the Superintendent of Public Works, the Building Inspector, the Code Enforcement Officer and any police officer in the Village Police Department shall have all other remedies and techniques for the enforcement granted by this article or any other law, statute or regulation, including but not limited to summary action, injunctive relief and civil actions for damages to the environment.

**§ 10-25 Effect of county standards.**

The provisions of Article VII of the Sanitary Code of the Westchester County Health District adopted by the Westchester County Board of Health, as amended, applicable to offensive material shall apply, except as required herein, and the provisions of this article shall be considered to be an addition to the provisions of the

Sanitary Code of the Westchester County Health District.

§ 10-26 through § 10-27. (Reserved)

Article II 1/2  
**Disposal of Solid Waste**

§ 10-28 **Title; purpose.**

- (a) This article shall be known as the "Solid Waste Disposal Local Law."
- (b) The purpose of this article is to provide for the disposal of all solid waste generated in the Village in compliance with federal and state standards for the control of air, water and ground pollution through participation in the Plan for Solid Waste Management in Westchester County, New York, dated May 7, 1974, adopted by the Westchester County Board of Legislators by Resolution No. 162-1974.

§ 10-29 **Definitions.**

For the purposes of this article, the following terms shall have the meanings ascribed to them herein:

- (1) **SOLID WASTE** — Includes all manner of useless or unwanted or discarded solid or semisolid, nontoxic, domestic, commercial, industrial, institutional, construction and demolition waste materials, except hazardous, toxic, chemical, human or rendering wastes.
- (2) **COLLECTOR OF SOLID WASTE** — Includes any person duly licensed or authorized to engage in or who engages in the business of collecting, storing, transporting and disposing of solid waste as defined above.
- (3) **SOLID WASTE FACILITY** — Includes any fixed facility that is established, maintained and operated, either as its primary function or in support of some other facility or operation, for the transfer, treatment, disposal or salvage of solid waste. It includes, but is not limited to, any facility that is established for the purpose of transferring, bailing, composting, incinerating, recycling, separating, salvaging, shredding or landfilling any solid waste or any combination of functions thereof, including stationary compactors located at points of collection.
- (4) **PLAN** — A Plan for Solid Waste Management in Westchester County, New York, dated May 7, 1974."

§ 10-30 **Transfer of solid waste to county facility; exemptions.**

The Village shall deliver or cause to be delivered to a solid waste facility or facilities, designated by Westchester County and licensed, operated or approved by Westchester County, all solid waste collected or caused to be collected within the boundaries of the Village, subject to such restrictions as may be required by the county in conformity with the plan as set forth in Resolution No. 162-1974 of the County Board of Legislators, except that bona fide recycling or resource recovery programs or drives within this municipality and operated or licensed by it may be exempted from this section with the approval of Westchester County.

§ 10-31 **County regulation of collectors of solid waste and solid waste facilities.**

In consideration of the assumption by Westchester County of responsibility for the disposal of all solid waste collected in the Village in compliance with federal and state standards for the control of ground, air and water pollution, the Village agrees to refrain from exercising its powers to impose licensing requirements for collectors of solid waste at such time as Westchester County shall adopt requirements for the licensing and regulation of said collectors on a county-wide basis.

**§ 10-32 Payment of fees for county disposal service.**

Upon representation by the county that the plan offers the most efficient and least costly method of solid waste control in compliance with federal and state standards for the control of air, ground and water pollution, the Village agrees to pay all reasonable fees set by Westchester County for the disposal of solid waste, presently estimated to be about \$15 per ton at the designated point of transfer to the county facility.

**§ 10-33 Article not contractually binding; authority to rescind.**

This Article does not bind the Village to any contractual relationship with Westchester County. In the event that the county plan is substantially altered from the plan presently filed that the cost will not be the same or similar to the projected cost therein, or if the Village ascertains that a more efficient and less costly method is available to dispose of its solid waste, then the Village, at its option, may rescind this Article.

**§ 10-34 (Reserved)**

**Article III  
Anti-Litter Ordinance**

**§ 10-35 Short title.**

This Article shall be known and may be cited as the "Village of Tuckahoe Anti-Litter Ordinance."

**§ 10-36 Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) **AUTHORIZED PRIVATE RECEPTACLE** — Is a litter storage and collection receptacle as required and authorized by the Village Street Commissioner.
- (2) **VILLAGE** — Is the Village of Tuckahoe.
- (3) **COMMERCIAL HANDBILL** — Is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:
  - a. Which advertises for sale any merchandise, product, commodity or thing;
  - b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
  - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profits; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up wholly for a charitable or educational purpose or by a church or institution of religion for its lawful purposes or for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of this state or under

any ordinance of this Village; or

- d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.
- (4) GARBAGE — Is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (5) LITTER — Is garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited, as herein prohibited, tends to create a danger to public health, safety and welfare.
- (6) NEWSPAPER — Is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- (7) NONCOMMERCIAL HANDBILL — Is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."
- (8) PARK — Is a public park, reservation, playground, beach, recreation center or any other public area in the Village devoted to active or passive recreation.
- (9) PERSON — Is any person, firm, partnership, association, corporation, company or organization of any kind.
- (10) PRIVATE PREMISES — Is any privately owned parking lot and any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purpose, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (11) PUBLIC PLACE — Is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, buildings and parking lots.
- (12) REFUSE — Is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
- (13) RUBBISH — Is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (14) VEHICLE — Is every device in, upon or by which any person or property is or may be transported or

drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

**§ 10-37 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, in authorized private receptacles for collection or in Village dumps.

**§ 10-38 Placement of litter in receptacles so as to prevent scattering.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**§ 10-39 Sweeping litter into gutters prohibited.**

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. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**§ 10-40 Merchants' duty to keep sidewalks free of litter.**

No person owning or occupying a place of business 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. Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their business premises free of litter.

**§ 10-41 Litter thrown by persons in 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 or upon private property.

**§ 10-42 Truck loads 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, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any street, alley or other public place any mud, dirt, sticky substances, litter or foreign matter of any kind.

**§ 10-43 Litter in parks.**

No person shall throw or deposit litter in any park within the Village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

**§ 10-44 Litter in lakes and fountains.**

No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the Village.

**§ 10-45 Throwing or distributing commercial handbills in public places.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Village; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Village for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

**§ 10-46 Placing commercial and noncommercial handbills on vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle;

provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

**§ 10-47 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

**§ 10-48 Prohibiting distribution of handbills where property posted.**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on said premises, in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

**§ 10-49 Distributing commercial and noncommercial handbills at inhabited private premises.**

- (a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
- (b) Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

**§ 10-50 Dropping litter from aircraft.**

No person in an aircraft shall throw out, drop or deposit within the Village any litter, handbill or any other object.

**§ 10-51 Posting notices prohibited.**

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

**§ 10-52 Litter on occupied private property.**

No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not, except that the person in control of private property may maintain authorized private receptacles for collection 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 or upon any private property.

**§ 10-53 Owner to maintain premises free of litter.**

The owner or person in control of any private property shall, at all times, maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for

collection.

**§ 10-54 Litter on vacant lots.**

No person shall throw or deposit litter on any open or vacant private property within the Village whether owned by such person or not.

**§ 10-55 Clearing of litter from open private property by Village.**

- (a) Notice to remove. The Building Inspector and/or Street Commissioner is hereby authorized and empowered to notify the owner of any open or vacant private property within the Village, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by mail, registered or certified, addressed to said owner at his last known address.
- (b) Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within 10 days after receipt of written notice provided for in Subsection (a) above or within 15 days after the date of such notice in the event the same is returned to the Village because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Building Inspector and/or Street Commissioner is hereby authorized and empowered to order its disposal by the Village.
- (c) Charge included in tax bill. When the Village has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of such payment of such bill.
- (d) Recorded statement constitutes lien. Where the full amount due the Village is not paid by such owner within 30 days after the disposal of such litter, as provided for in Subsections (a) and (b) above, then and in that case, the Building Inspector and/or Street Commissioner shall cause to be recorded in the Village Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 6% in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible by law.

**§ 10-56 Penalties.**

Any person violating any of the provisions of this Article shall be liable for and pay a penalty as prescribed in § 1-7. Said violation shall constitute and is hereby declared to be disorderly conduct; and any person violating this Article or any provision thereof shall be and hereby is declared to be a disorderly person.