

## **LOCAL LAW ESTABLISHING FEES FOR REFUSE COLLECTION**

### **SECTION 1. PURPOSE.**

The cost of refuse, garbage and solid waste collection and disposal has substantially increased over recent years. The Board of Trustees of the Village of Alfred finds it to be in the public interest to continue to provide refuse, garbage and solid waste collection and disposal service and to create a village-wide special assessment for the purpose of imposing a user fee to defray the cost of providing such service.

### **SECTION 2. USER FEE ESTABLISHED; DEFINITIONS.**

A. All properties constituting a separate functional unit, whether residential, commercial or industrial, shall hereafter be liable for the payment of a user fee for the collection and disposal of refuse, garbage and solid waste, including recyclable materials within the Village of Alfred. Such fees shall not exceed the reasonably estimated costs incurred by the Village of Alfred for providing such services.

B. DEFINITIONS. As used in this Local Law the following definitions shall have the meanings indicated:

1. Unit – each separate residential, commercial or industrial facility that encompasses all or a portion of any parcel of real property. Any household, apartment, storefront, or building shall constitute at least one unit, but may comprise of multiple units if divided into separate and distinct functional facilities.

2. Parcel – each separately assessed or taxed unit of real property that is assigned a separate “SBL” (Section, Block, Lot) number by the County Office of Real Property Services for taxing and assessment purposes.

3. Residential Unit – any structure or part of a structure that is utilized primarily for dwelling purposes by an individual, family, or other group. Each unit would typically include separate cooking facilities, bathroom, facilities, and sleeping facilities.

4. Commercial Units – any structure or part of a structure that is utilized primarily for wholesale or retail business activities, including sales establishments, restaurants, offices, or similar establishments.

5. Industrial Units – any structure or part of a structure that is utilized primarily for manufacturing or processing products for sale to wholesalers, retailers, or to the general public.

### **SECTION 3. FEE AMOUNTS; SCHEDULE.**

A. The user fees shall from time to time be fixed and/or amended by resolution of the Village of Alfred Board of Trustees. Such fees shall be established and set to recoup a portion or all of the reasonably calculated costs incurred in providing such service. Such fees shall be charged on a per unit basis, and shall be the responsibility of the property owner of record for which the service is being provided.

B. Fees shall be charged on a quarterly basis, upon a billing schedule established by resolution of the Village of Alfred Board of Trustees.

C. The initial quarterly fee for each separate Unit shall be in the amount of Thirty Dollars (\$30.00) per quarter (three month long period of time).

D. Each Unit shall be entitled to set out and have collected a weekly amount of Garbage, refuse and solid waste not exceeding one hundred (100) cubic feet per week (eg 5' x 5' x 4'). Only materials generated at that unit (within the Village of Alfred) can be disposed of using this service.

### **SECTION 4. PROCEDURE FOR CHANGING USER FEE SCHEDULE.**

A. The Village of Alfred Board of Trustees shall conduct a public hearing prior to changing any fees set forth in this Local Law. Such hearing shall be pursuant to notice published in an official newspaper of the Village, not less than ten (10) days before the date of the hearing. The proposed amendments (or changes) to the fee schedule shall be available for public inspection at least ten (10) days prior to the public hearing, and notice of the same shall be set forth in the previously mentioned published notice of hearing.

B. Following the conduct of the public hearing, the Village Board of Trustees shall be free to adopt a resolution consistent with the proposal contained in the proposed amendments (or changes) that were available for inspection at least ten (10) days prior to the public hearing. Upon adoption of such resolution, a copy of the newly adopted collection fees and rates shall be made available for public inspection at the Village Clerk's Office and on the Village of Alfred website. Following adoption of any amendments (changes) of the user fee schedule as set forth herein, any person aggrieved thereby may, within fifteen (15) days after such adoption, apply to a court of competent jurisdiction for an order of certiorari to review such amendments (changes). The user fee schedule shall be deemed final

and conclusive unless such an application is made within such fifteen (15) day period after the Village Clerk posted such notice in his/her office, and after notice was published on the Village website.

C. The procedures set forth in this Section for amendment (change) of the user fee schedule are intended to supersede any conflicting procedure set forth in the Village Law of the State of New York, including but not limited to those procedures set forth in Village Law Section 22-2200.

D. All user fees imposed pursuant to this Local Law shall be billed on a quarterly basis by the Village of Alfred to the property owner or such other person designated by the property owner to receive bills. All such fees shall be paid within thirty (30) days after mailing of the invoice. Amounts thereafter outstanding and unpaid shall accrue penalties as provided by New York State Village Law Section 5-518, subdivision 4, as may from time to time be amended. All outstanding delinquent amounts shall be assessed as a lien against the real property in accordance with the provisions of Village Law Section 5-518, as may be from time to time amended.

#### **SECTION 5. ADDITIONAL REGULATIONS.**

The Village of Alfred Board of Trustees may, by resolution, adopt regulations and rules regarding and facilitating the implementation and administration of this Local Law, provided such regulations and rules are not inconsistent with this Local Law.

#### **SECTION 6. PENALTIES FOR VIOLATIONS.**

A. Any person, firm, corporation or other legal entity that violates or neglects to comply with the provisions of this Local Law shall, upon conviction thereof be punishable by imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty (\$250.00) for each separate violation. Each date of non-compliance shall constitute a separate and distinct violation.

B. Violations shall include, but not be limited to the following: setting out an amount of garbage, refuse or solid waste that exceeds the maximum allowed by this local law; disposing of garbage, refuse or solid waste that was not generated within the Village of Alfred, but which was brought into the Village for purposes of disposal; failure to comply with the duly enacted regulations and rules of the Board of Trustees.

**SECTION 7. SEVERABILITY.**

Should any section, clause, or provision of this Local Law be declared to be invalid by a Court of competent jurisdiction, the same shall not affect the validity of any other part or section of this Local Law as a whole or parts thereof, other than the part so declared to be invalid.

**SECTION 8. EFFECTIVE DATE.**

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York and be implemented at the start of the 2018-19 fiscal year.